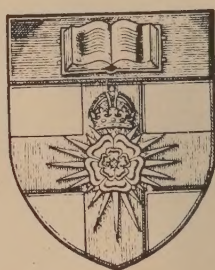


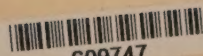
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B I L L S,

PUBLIC:

SIX VOLUMES.

— (6.) —

POLITICAL OFFICES PENSION ACT (1869) REPEAL
TO
WORKMEN'S HOUSES TENURE.

SESSION 1.—5 *February* 1895—6 *July* 1895.

SESSION 2.—12 *August* 1895—5 *September* 1895.

VOL. VI.

1895.



B I L L S :

1895.

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Political Offices Pension Act (1869) Repeal Bill.

MEMORANDUM.

Under the provisions of the Act, 1869 (32 & 33 Vict. c. 60.), power is given to Her Majesty, if she shall think fit, by warrants under Her Royal Sign Manual, countersigned by any two or more Commissioners of the Treasury, to grant to persons having held high civil office pensions for life not exceeding 2,000*l.* a year, in proportion to the class of the office held (described as first, second, and third in the Act) and to the length of service.

Section 6 of 4 & 5 Wm. 4. c. 24. is, however, to apply to all such cases, which enacts that any person seeking to obtain any such pension shall send not only a statement of his services in writing to the Treasury, and the grounds on which such pension is claimed, but a specific declaration that the amount of his income from other sources is so limited as to bring him within the intent and meaning of that Act (4 & 5 Wm. 4. c. 24.), namely, of the inadequacy of his private fortune to maintain his station in life.

In order to take away the power to grant such pensions in future, without consulting Parliament, the present Bill proposes to repeal the Act of 1869, except so far as relates to anything already done under its powers.

The effect would be that no pension could in future be granted without an application to Parliament in each case.

A

B I L L

TO

Repeal the Political Offices Pension Act, 1869.

A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 **1.** This Act may be cited as the Political Offices Pension Act, 1869, Repeal Act, 1895. Short title.

2. The Political Offices Pension Act, 1869, is hereby repealed as from the *passing of this Act*. Repeal of Act.

3. Any pension granted before the *passing of this Act* shall have Saving.
10 the same force, and be subject to the same conditions, as if this Act had not been passed, except that *after the passing of this Act* every person entitled to such a pension shall be required to make the declaration referred to in the sixth section of the Act of four and five William the Fourth, chapter twenty-four, on every
15 occasion when receiving payment quarterly or otherwise, and the further declaration that by the terms "the inadequacy of his private fortune to maintain his station in life" he means that the amount of his income from all sources does not exceed the sum of *four hundred pounds* per annum.

Political Offices Pension Act (1869) Repeal.

A

B I L L

To repeal the Political Offices Pension
Act, 1869.

(Prepared and brought in by
*Mr. Alpheus Morton, Mr. Wm. Allan,
Mr. Labouchere, Mr. Lambert,
Mr. Molloy, and Mr. Stewart Wallace.*)

*Ordered, by The House of Commons, to be Printed,
22 February 1895.*

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[Bill 140.]

A

B I L L

TO

Exempt certain Persons from the Liability of maintaining
Relations who become chargeable to the Public Funds. A.D. 1895.

WHEREAS it is expedient to amend the Poor Relief Act, 1601, section seven, as amended or altered by the Poor Relief Act, 1819, section twenty-six, and the Poor Law Amendment Act, 1834, section fifty-six.

5 Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. From and after the *passing of this Act* no person whose total
10 income from all sources is less than *twenty shillings* per week shall be ordered by the justices to contribute to the relief of any relation other than a child. Orders not to be made upon persons whose income does not exceed a certain sum.

2. Upon the hearing of any case, and in any proceedings under
the herein-before recited Acts and sections, the defendant or his
15 or her husband or wife shall be competent and compellable to give evidence concerning the income of such defendant. The defendant and the husband or wife of the defendant competent and compellable to give evidence.

3. This Act shall be read and construed jointly with the Poor
Relief Act, 1601, the Poor Relief Act, 1819, and the Poor Law
Amendment Act, 1834, and as if this Act were incorporated with
20 and formed part of each of the said Acts. This Act incorporated with previous Acts.

4. This Act shall not apply to Scotland or Ireland.

Not to apply to Scotland or Ireland.

5. This Act may be cited as the Poor Law Amendment Act,
1895. Short title.

Poor Law Amendment.

A

B I L L

To exempt certain Persons from the
Liability of maintaining Relations
who become chargeable to the Public
Funds.

(Prepared and brought in by
*Mr. Lambert, Mr. Bilson, Mr. Luttrell,
Mr. Leon, and Mr. Halley Stewart.*)

*Ordered, by The House of Commons, to be Printed,
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[*Price ½d.*]

[Bill 102.]

A.

B I L L

TO

Amend the Law relating to the Disfranchisement of Persons receiving Out-door Relief in return for Labour. A.D. 1895.

WHEREAS it is expedient to alter the law in reference to the disfranchisement of paupers :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and
 5 Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. After the passing of this Act no person shall have his or her name removed from any list of electors on account of having received out-door relief for which labour has been given in
 10 exchange, provided such labour shall have received the sanction of one of Her Majesty's poor law inspectors.

Out-door relief in certain cases not to disqualify elector.

2. This Act may be cited as the Poor Law (Electors) Amendment Act, 1895.

Short title.

Poor Law (Electors) Amendment.

A

B I L L

To amend the Law relating to the
Disfranchisement of Persons receiv-
ing Out-door Relief in return for
Labour.

(*Prepared and brought in by*
Sir Theodore Fry, Mr. Joseph Richardson,
Mr. John Wilson (Mid Durham), Mr. Paulton,
and Mr. William Allan.)

Ordered, by The House of Commons, to be Printed,
8 February 1895.

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[Bill 18.]

Poor Law Officers' Superannuation Bill, 1895.

MEMORANDUM.

1. Under the provisions of the 27 & 28 Vict. c. 42., and the Acts amending the same, poor law officers at present possess an equitable statutory claim to a superannuation allowance after not less than 10 years' service upon becoming incapacitated from the performance of their duties by reason of permanent mental or bodily infirmity or of old age.

2. The grant of such allowance is however dependent upon the discretion of boards of guardians, and while during the past 30 years the majority of boards have recognised the claims of the officers, there have been many cases where grants have been withheld.

3. The present Bill proposes that in return for a percentage contribution from their salary and emoluments every poor law officer shall be entitled to a superannuation allowance when he becomes incapable of discharging the duties of his office by reason of permanent infirmity of mind or body or of old age.

4. With this exception the Bill has been practically drawn on the same lines as the existing Superannuation Acts, so far as relates to the conditions upon which superannuation can be claimed, the scale of allowances, the period of service, &c.

5. While, however, an officer in possession of his faculties and capable of discharging his duties is not required to take his superannuation at any age, power is given to boards of guardians to require an officer who has attained the age of 65 to retire, when they are of opinion that it would be expedient in the interests of the public service that he should do so.

6. The percentage of contribution has been graduated with respect to existing officers from 2 per cent. of their total salary and emoluments in the case of officers with less than five years' service, to $2\frac{1}{2}$ per cent. in the case of officers with 5 to 15 years' service, and to 3 per cent. in the case of officers with more than 15 years' service.

7. This percentage has been arrived at from the experience of other superannuation schemes and will practically be found sufficient to meet future claims for superannuation.

8. According to the report of the Local Government Board it appears that after more than thirty years working of the existing permissive Superannuation Acts, the total superannuation allowances now being paid amount to about 30,000*l.* per annum, or $1\frac{1}{2}$ per cent. only on the value of the salaries and emoluments of poor law officials, which are estimated at 2,000,000*l.* per annum; the average percentage deduction proposed to be paid under the Bill is $2\frac{1}{2}$ per cent.

9. Provision is made with respect to existing officers at the passing of the Act, giving them the option of contributing, to secure "*certainty*," but retaining their present equitable rights under the existing Acts should they decline to do so. With all officers appointed after the passing of the Act the contribution would be compulsory.

10. There are also some minor provisions relating to the holders of joint appointments, and the return of contributions and payment of gratuities under certain conditions similar to the provisions in schemes framed under other Acts of Parliament.

A

B I L L

TO

Provide for Superannuation Allowances to Poor Law Officers and Servants, and for Contributions towards such Allowances by such Officers and Servants ; and to make other relative provisions. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 1. This Act may be cited as the Poor Law Officers' Superannuation Act, 1895, and shall come into operation from and immediately after the *twenty-ninth day of September one thousand eight hundred and ninety-five*. Short title and commencement of Act.

Superannuation.

- 10 2. Subject to the provisions of this Act, every officer and servant in the service or employment of the guardians of a union who shall become incapable of discharging the duties of his office with efficiency, by reason of permanent infirmity of mind or body, or of old age, shall be entitled on resigning or otherwise ceasing to hold
15 his office or employment, to receive during life out of the common fund of the union, a superannuation allowance according to the scale laid down in this Act. Title of officers and servants to superannuation allowances. 27 & 28 Vict. c. 42.

20 An officer or servant shall not be entitled to an allowance on the ground of old age unless he has completed the full age of *sixty years*.

Where an officer or servant has attained the age of *sixty-five years* and the guardians are of opinion that it would be expedient in the interests of the public service that he should cease to hold his office or employment, it shall be competent for them to require
25 him to retire upon payment to him of the superannuation allowance to which he may be entitled under this Act.

[Bill 112.] A

A.D. 1895.

Scale of
superannua-
tion allow-
ances.

3. The scale for superannuation allowances under this Act shall be as follows, that is to say :—

An officer or servant who has served for *ten* years but less than *eleven* years, shall be entitled to an annual allowance equal to *ten sixtieths* of the average amount of his salary or wages and emoluments during the five years ending on the quarter day which immediately precedes the day on which he ceases to hold his office or employment. 5

With an addition of *one-sixtieth* of such average amount for every additional completed year of service until the completion of a period of service of *forty* years, when a maximum allowance of *forty-sixtieths* shall be granted. 10

Reckoning
service.

4. All service by an officer or servant under any authority or authorities empowered by this Act to grant superannuation allowances shall be aggregated and reckoned for the purposes of this Act, whether the service has been continuous or not, and whether his whole time has been devoted to the service or not. 15

Power to
add a num-
ber of years
in certain
cases.

5. The guardians of a union in computing the amount of superannuation allowance to any officer or servant may, in consideration of peculiar professional qualifications, or of special circumstances, and with the consent of the Local Government Board, add a number of years not exceeding *ten* to the number of years which the officer or servant has actually served in the aggregate. 20

Case of
subsequent
appointment

6. Where a person in receipt of a superannuation allowance under this Act is appointed to any office or employment by any authority empowered by this Act to grant superannuation allowances, such allowance shall cease to be paid so long as he continues to hold such office or employment, if the salary or wages and emoluments thereof are equal to, or in excess of the amount of such allowance; if they are not, then only so much of such allowance shall be paid so long as he holds such office or employment as will make up the deficiency. 25 30

Any such person on ceasing to hold such office or employment shall be entitled to revert to and to receive the full amount of his original superannuation allowance from the authority which granted it. 35

Forfeiture
for fraud,
&c.

7. An officer or servant who is dismissed for any offence of a fraudulent character, or for grave official misconduct, shall forfeit all claim to any superannuation allowance under this Act.

Return of
contributions
and power

8. An officer or servant who has not become entitled to a superannuation allowance, and who loses his office or employment 40

by reason of a reduction of staff, or of any alteration of areas or boundaries, or by reason of bodily injury not occasioned by his own default, or of any other cause whatever other than his own misconduct or voluntary resignation, shall be entitled to receive, 5 out of the common fund of the union, a sum equal to the amount of all his contributions to any such fund under this Act; but if he claims under this section and subsequently obtains a fresh office or employment, he shall not be entitled to reckon his service before obtaining such fresh office or employment towards a superannuation 10 allowance under this Act, unless upon obtaining such fresh office or employment he pays the amount so received to the common fund of the authority under whom he obtains such fresh office or employment.

A.D. 1985.
to grant gratuities and superannuation allowances in certain cases.

In any such case of loss of office or employment as aforesaid, 15 the guardians may also, if they see fit, with the sanction of the Local Government Board, grant to the officer or servant a gratuity, payable out of the common fund of the union, not exceeding *twice* the amount of his salary or wages and emoluments during the year ending on the quarter day which immediately precedes the day on 20 which he ceases to hold his office or employment.

Provided that when such loss of office or employment occurs in a case in which the death, resignation, or insanity of one of the holders of a joint appointment vacates the office of the other, the officer or servant whose office or employment is so vacated, shall be 25 entitled to receive during life, out of the common fund of the union, a superannuation allowance, according to the scale laid down in this Act, if such officer or servant has attained the age of *fifty years*, and has served for not less than *twenty years*.

9. At least *one* month's notice in writing shall be given to every 30 guardian of a union of the time at which any claim under this Act will be considered.

Notice of proposed grant of allowance. 27 & 28 Vict. c. 42. s. 4.

10. Every superannuation allowance granted under this Act shall be payable to or in trust for the officer or servant, and shall not be assignable or chargeable with his debts or other liabilities.

Allowances not assignable.

35 11. Every board of guardians shall make annually to the Local Government Board, in the form and at the time prescribed by the Board, a return of all superannuation allowances and gratuities paid by them during the preceding year, with such particulars as to the names and ages of the recipients and otherwise as the 40 Board shall require.

Annual returns to Local Government Board.

A.D. 1895.

Contribution.

Obligation
of officers
and servants
to contribute.

12. Subject to the provisions of this Act, every officer and servant in the service or employment of the guardians of a union shall contribute annually for the purposes of this Act a percentage amount of his salary or wages and emoluments according to the scale laid down by this Act, such amount to be from time to time deducted from the salary or wages payable to him and to be carried to and form part of the common fund of the union. 5

Scale of
contribu-
tions.

13. The percentage amounts to be deducted annually for the purposes of this Act shall be as follows, that is to say— 10

In the case of officers and servants with less than *five* years' service at the passing of this Act, or appointed after the passing of this Act, *two* per cent. of the salary or wages and emoluments for each year.

In the case of officers and servants with more than *five* and less than *fifteen* years' service at the passing of this Act, *two and a half* per cent. of the salary or wages and emoluments for each year. 15

In the case of officers and servants with more than *fifteen* years' service at the passing of this Act, *three* per cent. of the salary or wages and emoluments for each year. 20

Application of Act to other Authorities.

Application
of Act to
District
Schools and
Asylums.
29 & 30 Vict.
c. 113. s. 3.

14. The provisions of this Act shall apply to the managers of district schools and sick asylums, and to the managers of the metropolitan asylums district, and to their officers and servants in like manner, as nearly as may be as they apply to guardians and to their officers and servants; and the contributions of the officers and servants of such managers shall be carried to and form part of the fund applicable to the general expenses of such managers, and the superannuation allowances and gratuities under this Act shall be paid out of the said fund. 25 30

Application
of Act to
case of
assistant
overseers.

15. Where a paid assistant overseer has been appointed by a vestry before the passing of this Act, the provisions of this Act shall apply to such assistant overseer in like manner as nearly as may be as they apply to guardians and to their officers and servants; but the contributions of such assistant overseer shall be carried by the guardians to the credit of the poor rate of the parish, and any superannuation allowance or gratuity under this Act shall be paid out of the common fund of the Union, and debited to the poor rate of the parish. 35 40

Existing Officers and Servants.

A.D. 1895.

16. Any officer or servant in the service or employment of guardians or any other authority empowered by this Act to grant superannuation allowances may at any time within *three months* 5 after the commencement of this Act signify in writing to such authority his intention not to avail himself of the provisions of this Act, and in that event it shall not be obligatory on him, notwithstanding anything in this Act contained, to make any contributions or submit to any deduction from his salary or wages under this Act 10 nor shall he be entitled to receive any superannuation allowance, gratuity or other benefit under this Act.

Saving
for existing
officers and
servants.

Any such officer or servant who has given such notice as aforesaid shall remain subject to the provisions of the Poor Law Officers' Superannuation Act, 1864, and the Acts amending the same as if 15 this Act had not been passed, and those provisions shall for the purposes of this enactment continue in force notwithstanding their repeal by this Act.

27 & 28 Vict.
c. 42.

Miscellaneous.

17. In the case of a paid collector of rates appointed by the guardians of a union for any parish or parishes forming part of the union, the contributions of such collector shall be carried by the guardians to the credit of the poor rate of the parish or parishes out of which his salary or emoluments is or are paid, and any allowance or gratuity to him under this Act shall be charged on 25 the poor rate of the same parish or parishes.

Provision in
case of paid
collectors.

18. Superintendent registrars and registrars of births and deaths who are remunerated wholly or partly by fees, shall pay annually the due percentage amount of their fees to the guardians of their respective unions at the time or times prescribed by such guardians 30 respectively, and such amounts shall be carried to and form part of the common fund of the union.

Provision in
case of
superin-
tendent
registrars
and regis-
trars of
births and
deaths.

Every such superintendent registrar or registrar of births and deaths shall make annually in the month of *October* to the guardians of his union a return, verified by statutory declaration, of all the 35 fees received by him as such superintendent registrar or registrar during the year ending on the preceding *twenty-ninth day of September*.

Where the district of a superintendent registrar is situate in more than one union, the percentage amount of his fees to be carried 40 to the common fund of each union and the amount of any

A.D. 1895. — superannuation allowance or gratuity to be paid to him by the guardians of each union shall be in proportion to the rateable value of the portions of the district in each union.

Power of
Local
Government
Board to
decide
questions.

19. Any question arising between guardians or any other authority empowered by this Act to grant superannuation allow- 5
ances, and any of their officers or servants, as to the right to or
amount of superannuation allowance, or as to the basis on which
the amount is computed, or as to the contribution to be made under
this Act, or as to any other matter or thing connected with such
allowances or contributions, shall be referred to and determined by 10
the Local Government Board, whose decision shall be binding and
conclusive of the question.

Definitions.

20. In this Act unless the context otherwise requires—

“Guardians” includes any vestry or other body charged with
the administration of the relief of the poor for any union, 15
parish, or other area.

“Union” includes any parish or other area for which the
relief of the poor is administered by guardians as above
defined.

“Officer” includes every officer (whether paid by salary or 20
fees) in the service of an authority empowered by this Act
to grant superannuation allowances, whether his whole time
is devoted to the duties of his office or not; and for the
purposes of this Act superintendent registrars and registrars
of births and deaths are deemed to be in the service of the 25
guardians of the union in which their respective registration
districts are situated.

“Servant” includes every servant regularly employed at
weekly wages by any such authority as aforesaid.

“Emoluments” includes all fees, poundage, and other payments 30
made to any officer or servant as such for his own use; also
the money value of any apartments, rations, or other allow-
ances in kind appertaining to the office or employment of
any officer or servant according to such scale as the Local
Government Board shall prescribe. 35

“Joint Appointment” includes any office the tenure whereof
is determined by the death, removal, resignation, or incapacity
of the holder of another office under the same authority.

Repeal of
enactments.

21. The enactments specified in the schedule to this Act are
hereby repealed, subject to the qualification that this appeal shall 40
not affect the payment of any superannuation allowance granted

before the commencement of this Act, nor any other right or liability acquired or accrued nor anything duly done or suffered before the commencement of this Act; and the guardians of any union may if they see fit grant and pay a superannuation allowance under the said enactments to any officer who has retired before the commencement of this Act in the same manner, and subject to the same conditions as if this Act had not been passed.

A.D. 1895.

22. This Act does not extend to Scotland and Ireland.

Extent of
Act.

The SCHEDULE.

ENACTMENTS REPEALED.

10

15

20

25

30

Session and Chapter.	Title or Short Title.	Extent of Repeal.
27 & 28 Vict. c. 42. (1864).	An Act to provide for superannuation allowances to officers of unions and parishes.	The whole Act.
29 & 30 Vict. c. 113. (1866).	The Poor Law Amendment Act, 1866.	Sections one to three.
30 & 31 Vict. c. 106. (1867).	The Poor Law Amendment Act, 1867.	Sections eighteen and nineteen, and section twenty from "or when any parish" down to "allowance and."
33 Vict. c. 2. (1870) -	The Dissolved Boards of Management and Guardians Act, 1870.	Section ten.
33 & 34 Vict. c. 94. (1870).	The Medical Officers' Superannuation Act, 1870.	The whole Act.
39 & 40 Vict. c. 61. (1876).	The Divided Parishes and Poor Law Amendment Act, 1876.	Section seventeen.

POOR LAW OFFICERS Superannuation.

A

B I L L

To provide for Superannuation Allowances to Poor Law Officers and Servants, and for Contributions towards such Allowances by such Officers and Servants ; and to make other relative provisions.

*(Prepared and brought in by
Mr. Walter Long, Sir Algernon Borthwick,
Mr. F. C. Frye, Sir F. Fitzwygram, and
Captain Norton.)*

*Ordered, by The House of Commons, to be Printed,
14 February 1895.*

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90, West Nile Street, Glasgow; or
HODGES, FRODIP, & Co., Limited, 104, Grafton Street, Dublin.

[Price 1½d.]

[Bill 112.]

A

B I L L

TO

Remove under certain circumstances the Disqualification of Voters in receipt of Poor Relief. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 **1.** This Act may be cited as the Poor Relief Disqualification Act, 1895. Short title.

2.—(1.) It shall be lawful for the board of guardians of any poor law union once in any year by resolution passed at a special meeting summoned for the purpose, by a majority of two-thirds
10 of the whole number of the board, to declare that the poor law union under their control or any particular parish or district comprised within such union is a distressed district. Power to guardians to declare a district to be a distressed district.

(2.) Where a board of guardians shall have as above provided declared any district to be a distressed district, they shall forthwith
15 send to the president of the Local Government Board a copy of the resolution, together with a memorandum stating shortly the grounds upon which it was based, and such resolution shall not have effect for the purposes of this Act until it shall have received the approval of the president of the Local Government Board.

20 **3.** For the purposes of this Act a district shall not remain a distressed district for any longer period than *two months*. Duration of period of distress.

4. While any district remains a distressed district as by this Act provided, no inhabitant thereof who would not otherwise be disqualified shall be disqualified by reason of the receipt for himself
25 or by or for any member of his family of outdoor union or parochial relief or alms, from being placed upon the parliamentary register of electors or the local government register of electors or from
[Bill 59.] Out-door relief during distressed period not to disqualify.

A.D. 1895. — voting; but notwithstanding any person who shall have received such relief as aforesaid being upon the local government register of electors for such district, nothing in this section shall enable him to vote for the election—

- (a) of any guardian of the poor; 5
- (b) of any member of any parochial board in Scotland;
- (c) of any other body acting in the distribution of relief to the poor from the poor rate.

Provisions
for registra-
tion.

4.—(1.) The overseers of every district declared to be a distressed district shall during the period that such district is a distressed district keep a special register of persons receiving outdoor relief. 10

(2.) Every clerk of the peace and town clerk acting under the Acts relating to the registration of parliamentary voters shall forthwith after *the passing of this Act* issue precepts to the overseers informing them of their duties under it. 15

Poor Relief Disqualification.

A

B I L L

To remove under certain circumstances
the Disqualification of Voters in
receipt of Poor Relief.

*(Prepared and brought in by
Mr. Samuel Horne, Sir H. Seymour-King,
Mr. Harr, Mr. Mansell Richardson, Colonel
Howard Vincent, and Mr. Thornton.)*

*Ordered, by The House of Commons, to be Printed,
8 February 1895.*

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JOHN MENZIES & CO., 12, Hanover Street, Edinburgh, and
and 80, West Nile Street, Glasgow; or
HODGES, FIGGIS, & CO., LIMITED, 104, Grafton Street, Dublin.

[Price ½d.]

[Bill 59.]

A
B I L L

TO

Amend the Post Office Act, 1891.

A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 1. The parish council of a parish, or where there is no parish council, the parish meeting, shall have like powers as are given to a rural sanitary authority under section eight of the Post Office Act, 1891, to guarantee the Postmaster-General against loss sustained by the provision of postal or other facilities as named in that sec-
10 tion, and any expenses incurred by the council or meeting under such undertaking shall be deemed to be expenses of the council or of the meeting (as the case may be) within the provisions of the Local Government Act, 1894.

Power to parish council to undertake to pay loss occasioned by extra postal facilities.

- 15 2. This Act may be cited as the Post Office Amendment Act, Short title. 1895.

Post Office Act (1891) Amendment.

A

B I L L

To amend the Post Office Act, 1891.

*(Prepared and brought in by
Mr. Strachey, Mr. Barlow, Captain Fenwick,
Mr. Henry Hobhouse, Mr. Jeffreys, and
Mr. Grant Lawson.)*

*Ordered, by The House of Commons, to be Printed,
8 April 1895.*

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90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & CO., LIMITED, 104, Grafton Street, Dublin.

[Price 1d.]

[Bill 191.]

A

B I L L

TO

Empower Magistrates to prohibit the Sale of Intoxicating
Liquors to Persons previously convicted of Drunkenness. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

- 5 1. If upon the conviction of any person for drunkenness within the meaning of section twelve of the Licensing Act, 1872, it shall be proved that the convicted person has been twice previously convicted of drunkenness within the preceding *twelve months* it shall be lawful for the court at its discretion, in addition to any
- 10 other penalty which the court may be empowered to inflict, to prohibit such convicted person from entering any licensed premises, and to prohibit any licensed person from selling or delivering any intoxicating liquor to the convicted person for the period of *one year* from the date of such order.
- 15 2. The court by whom such order shall have been made shall cause notice of such order to be given to every holder of a licence within the jurisdiction of the court and within such adjoining petty sessional divisions as the court may deem advisable, and every holder of a licence who, after receipt of such notice and with
- 20 knowledge of the fact, sells or delivers any intoxicating liquor to the convicted person, or who invites or offers or holds out any kind of inducement to the convicted person to visit or enter licensed premises, shall be liable to a penalty not exceeding *twenty shillings* for the first offence and not exceeding *forty shillings* for the second
- 25 offence, and at the discretion of the court to an endorsement of the licence after the first offence, and any such prohibited person who shall be found on any licensed premises shall be liable to the penalties contained in section twelve of the Licensing Act, 1872.

Persons convicted of drunkenness not to be supplied with intoxicating liquor.

Penalties.

[Bill 219.]

A.D. 1895. **3.** For the purpose of all legal proceedings under the foregoing sections this Act shall be construed as one Act with the Licensing Acts, 1872–1874, and all definitions used in this Act shall have the meaning assigned to them in the said Acts.

Extent of Act. **4.** This Act shall not apply to Scotland or Ireland, or to any city, borough, county of a town, town, township, or other place having a population according to the census of 1891 of over twenty thousand inhabitants. 5

Short title. **5.** This Act may be cited for all purposes as the Prohibited Persons (Drink) Act, 1895. 10

Commencement of Act. **6.** This Act shall come into operation on the *first day of January one thousand eight hundred and ninety-six.*

Prohibited Persons (Drink).

A

B I L L

To empower Magistrates to Prohibit
the Sale of Intoxicating Liquors to
Persons previously convicted of
Drunkenness.

(*Prepared and brought in by
Mr. Bill, Mr. Wharton, and Captain Bowles.*)

*Ordered, by The House of Commons, to be Printed,
30 April 1895.*

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[*Price 3d.*]

[Bill 219.]

A

B I L L

TO

Confer additional Powers upon County Councils for
 securing Uniformity in the Administration of the Public
 Health Acts within their Districts. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and
 with the advice and consent of the Lords Spiritual and
 Temporal, and Commons, in this present Parliament assembled, and
 by the authority of the same, as follows :—

- 5 **1.** After the *passing of this Act* the county councils constituted
 by the Local Government Act, 1888, and herein referred to as
 “the county councils,” shall have power to administer in their
 respective administrative counties the Public Health Acts for the
 time being in force, in such manner as other local authorities now
 10 have power to administer it in their respective districts. Power given
to county
councils to
administer
Public
Health Acts.
- 15 **2.** Any ratepayer or inhabitant of a county, or person aggrieved,
 is hereby empowered to make complaint to the county council of
 such county, or to any magistrate acting within the district where
 the cause of complaint arises, or to the stipendiary magistrate
 20 sitting nearest thereto, in such manner as inhabitants or ratepayers
 or aggrieved persons are empowered to complain to the local
 authorities aforesaid, or to magistrates, whereupon the proceedings
 shall be the same as provided by the Public Health Acts in cases
 of complaint by individuals. Complaints
to be made
to county
councils.
- 20 **3.** Proceedings for enforcement of any of the provisions of the
 Public Health Acts, or for the exercise of any of the powers
 hereby conferred, may be taken before the nearest stipendiary
 magistrate, anything in the Public Health Act, 1875, to the
 contrary notwithstanding. Proceedings
to enforce
Public
Health Acts.

[Bill 169.]

A.D. 1895.
Application
of Act.

4. This Act shall not apply to Scotland or Ireland, or to boroughs with a population exceeding ten thousand by census of 1891.

Construction
and short
title.

5. This Act shall be read as one with the Public Health Acts, and may be cited as the Public Health Acts Amendment Act, 5 1895.

Public Health.

A

B I L L

To confer additional Powers upon
County Councils for securing Uni-
formity in the Administration of the
Public Health Acts within their
Districts.

(Prepared and brought in by
*Lord Stanley, Sir William Houldsworth, and
Mr. Seton-Karr.*)

*Ordered, by The House of Commons, to be Printed,
14 March 1895.*

PRINTED BY EYRE AND SPOTTISWOODE,
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30, West Nile Street, Glasgow; or
HODGES, FIDGIS, & CO., LIMITED, 104, Grafton Street, Dublin.

[*Price ½d.*]

[Bill 162.]

Public Health (No. 2) Bill.

MEMORANDUM.

The effect of the Public Health Acts Amendment Act, 1890, is to exempt the owner of two or more adjoining houses connected with the public sewer by a single drain from the repair of such drain, the expense of which falls upon the ratepayers, but in the case of two adjoining houses, the property of separate owners, the separate owner has to bear the expense of repairing his connecting drain. The object of this Bill is to place the owner of two or more adjoining houses on the same footing as the owner of a single house.

A

B I L L

TO

Amend the Public Health Acts Amendment Act, 1890. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

- 5** **1.** Section nineteen of the Public Health Acts Amendment Act, 1890, shall be read and have effect as if the words "belonging to different owners" were omitted from that section. Provided that section nineteen of the Public Health Acts Amendment Act, 1890, as amended by this Act shall not apply to any drain under or
- 10** immediately adjoining any public highway.
- 2.** This Act may be cited as the Public Health Act, 1895, and shall be construed as one with the Public Health Acts.

Amendment
of s. 19 of
the Act of
1890.

Short title
and con-
struction.

[To be substituted for Bill
previously delivered.]

Public Health (No. 2).

A

B I L L

To amend the Public Health Acts
Amendment Act, 1890.

(Prepared and brought in by
Mr. Archibald Grove, Admiral Field,
and Captain Norton.)

Ordered, by The House of Commons, to be Printed,
11th June 1895.

PRINTED BY EYRE AND SPOTTISWOODE,
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30, West Nile Street, Glasgow; or
HODGES, FIDGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[Price 1d.]

[Bill 308.] +

A
B I L L

TO

Amend the Public Health Acts with respect to Sewers. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 1.—(1.) A local authority may recover any expenses incurred by them in cleansing, maintaining, repairing, or replacing any private sewer within the meaning of this Act from the owner *or* owners of any premises for the drainage of which the sewer is used in such proportions, if there is more than one such owner, as may be settled
10 by the surveyor of the authority, or in case of dispute by a court of summary jurisdiction.

Powers of local authority for repair of private sewers.

- 15 (2.) Any such expenses may be recovered summarily or may be declared by the local authority to be private improvement expenses, and the provisions of the Public Health Acts (including those of
15 section two hundred and fifty-seven of the Public Health Act, 1875) shall apply to the recovery of such expenses.

Any sum due from any person on account of such expenses may also, if not exceeding *fifty pounds*, be recovered as a debt in the county court.

- 20 (3.) For the purpose of examining any private sewer or of doing any work necessary for the cleansing, maintenance, repair, or replacing of any such sewer, the local authority may authorise any of their officers or any persons employed by them or on their behalf, after twenty-four hours notice to the occupier of the premises, or in
25 case of emergency without notice, to enter any premises with such assistants as he may require, and do anything necessary for the purposes aforesaid, but any damage done shall be made good as soon as possible.

- 30 The authority for an officer or person to act under this enactment shall be in writing, but may be either a general or a special authority.

[Bill 150.]

A.D. 1895. (4.) For the purpose of this Act the expression "private sewer" means a sewer which, not being itself a main sewer, is used for the conveyance of drainage from any premises to a main sewer, and the expression "main sewer" means any sewer situated in or under any street being a highway repairable by the inhabitants at large, 5 or any sewer which, whether so situated or not, is used as part of the arterial or general system of drainage of the district.

Provided that any part of a sewer which is used for the purpose of joining a private sewer to a main sewer shall be deemed to be part of the private sewer although that part may be situated in or 10 under any street being a highway repairable by the inhabitants at large.

Interpreta-
tion, repeal,
and short
title.

38 & 39 Vict.
c. 55.

2.—(1.) Expressions to which a meaning is assigned by the Public Health Act, 1875, shall, unless the context otherwise requires, have the same meaning in this Act.

15

(2.) This Act shall not apply to any expenses incurred by a local authority before the passing thereof, but shall apply in the case of any private sewer, whether constructed before or after *the passing of this Act*.

53 & 54 Vict.
c. 59.

(3.) Section nineteen of the Public Health Acts Amendment Act, 20 1890, is hereby repealed.

(4.) This Act may be cited as the Public Health Act, 1895, and shall be construed as one with the Public Health Acts.

Public Health Acts Amendment.

A

B I L L

To amend the Public Health Acts with
respect to Sewers.

(*Prepared and brought in by*
Sir Albert Rollit and Sir Thomas Roe.)

Ordered, by The House of Commons, to be Printed,
1 March 1895.

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HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price 3d.*]

[Bill 150.]

A
B I L L

TO

Amend the Public Houses (Hours of Closing) (Scotland) Act, 1887. A.D. 1895.

WHEREAS it is expedient to amend the Public Houses (Hours of Closing) (Scotland) Act, 1887:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. In section ten of the Public Houses (Hours of Closing) (Scotland) Act, 1887, the words "and shall not apply to any burgh, town, or populous place containing fifty thousand inhabitants and upwards" and the schedule to the said Act shall be and are hereby repealed.

Repeal of part of section 10 and of the schedule of 50 & 51 Vict. c. 38.

2. In section four, sub-section (c.), of the Public Houses (Hours of Closing) (Scotland) Act, 1887, the words enacted to be inserted in the "certificate for dealers in exciseable liquors and grocers and provision dealers trading in exciseable liquors," and of certificates for table-beer licences, shall be amended by the insertion of the words "keep open house or" between the words "and do not" and the words "traffic or in or give out therefrom any liquors before eight of the clock in the morning, or after such hour at night of any day not earlier than ten and not later than eleven as the licensing authority may direct," ordered in the said sub-section to be inserted in the said certificates.

Grocers, &c. not to keep open house after prescribed hours.

3. This Act may be cited for all purposes as the Public Houses (Hours of Closing) (Scotland) Act, 1887, Amendment Act, 1895.

Short title.

Public Houses (Hours of Closing) (Scotland).

A

B I L L

To amend the Public Houses (Hours of Closing) (Scotland) Act, 1887.

(*Prepared and brought in by*
Sir Charles Cameron,
Mr. John Wilson (Govan), Mr. Hunter,
Sir John Leng, and Mr. Beith.)

Ordered, by The House of Commons, to be Printed,
15 February 1895.

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[*Price 1d.*]

[Bill 116.]

A

B I L L

TO

Provide for the Acquisition of a Site for Public Offices in Westminster and for purposes connected therewith. A.D. 1895.

WHEREAS various lands in and near to Great George Street, King Street, and Charles Street, Westminster, have been purchased from time to time by the Commissioners of Works for the purpose of a site for public offices, and whereas, with a view to providing a site for building new public offices near the said streets, and for improving the approaches to the Houses of Parliament, it is expedient to provide for the purchase by agreement of other land in the same locality as that above mentioned, and for purposes connected with the acquisition of the said site :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1.—(1.) The Treasury may issue out of the Consolidated Fund of the United Kingdom or the growing produce thereof such sums not exceeding in the whole the sum of *four hundred and fifty thousand pounds* as may be required by the Commissioners of Works for such purchase of lands in Westminster for a site for public offices and such purposes connected with the acquisition of that site as the Treasury may approve.

Issue and raising of money for purchase money.

(2.) The Treasury may, if they think fit, at any time borrow money for the purpose of meeting the sums so to be issued, or repaying to the Consolidated Fund all or any part of the sums so issued.

(3.) The money so borrowed shall be repaid by an annuity or annuities of such amount as will repay the same with interest in *fifty years* from the date of the borrowing of the money.

[Bill 3.]

A.D. 1895. — (4.) The annuities shall be paid out of the moneys annually provided by Parliament for the service of the Commissioners of Works; and, if those moneys are insufficient, shall be charged on and paid out of the Consolidated Fund or the growing produce thereof.

5

Accounts of
expenditure.

2.—(1.) The Commissioners of Works shall, within *six months* after the end of every financial year in which money is issued under this Act, cause to be made out an account, in the form required by the Treasury, showing the money issued and expended in pursuance of this Act, and the securities created for providing such money.

10

29 & 30 Vict.
c. 39.

(2.) The accounts of expenditure under this Act shall be audited and reported upon by the Controller and Auditor General as appropriation accounts in manner directed by the Exchequer and Audit Departments Act, 1866.

15

Short title.

3. This Act may be cited as the Public Offices (Acquisition of Site) Act, 1895: Session 2.

Public Offices (Acquisition of Site).

A

B I L L

To provide for the Acquisition of a
Site for Public Offices in Westminster and for purposes connected
therewith.

(Prepared and brought in by
Mr. Akers-Douglas and Mr. Hanbury.)

Ordered, by The House of Commons, to be Printed,
28 August 1895.

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90, West Nile Street, Glasgow; or
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[*Price ½d.*]

[Bill 3.]

Public Works Loans Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Appointment of Public Works Loan Commissioners for five years.
2. Grants for public works.
3. Provision as to Suck drainage loans.
4. Remission of debt due from Anstruther Harbour Commissioners.
5. Remission of interest accrued on loan to Donegal Railway Company.
6. Certain debts not to be reckoned as assets of local loans fund.
7. Remission of certain loans under Labourers Dwellings Act.
8. Short title.

SCHEDULE.

A

B I L L

TO

Grant Money for the purpose of certain Local Loans, A.D. 1895.
and for other purposes relating to Local Loans.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 **1.** Whereas the term of office of the persons who are at the passing of this Act Public Works Loan Commissioners under the Public Works Loans Act, 1875, will expire at the end of a period of five years from the first day of April one thousand eight hundred and ninety-one, and it is expedient to appoint Commissioners for a further period of five years; therefore the following persons, that is to say :
- Appoint-
ment of
Public
Works
Loan Com-
missioners
for five
years.
[See 53 & 54
Vict. c. 50.
s. 1.]
- Herbert Barnard, Esquire ;
- The Right Honourable Lord Napier and Ettrick, K.T. ;
- Richard Musgrave Harvey, Esquire ;
- 15 The Right Honourable Lord Hillingdon ;
- Edward Howley Palmer, Esquire ;
- Thomas Salt, Esquire ;
- Samuel Steuart Gladstone, Esquire ;
- Herbert Cokayne Gibbs, Esquire ;
- 20 Sir Edward Birkbeck, Bart. ;
- Edward Norman, Esquire ;
- Arthur O'Connor, Esquire, M.P. ;
- The Right Honourable Lord Iveagh ;
- The Honourable Sir Charles William Fremantle, K.C.B. ;
- 25 The Honourable Evelyn Hubbard ;
- Basil Guy Oswald Smith, Esquire ;
- Francis William Buxton, Esquire ;
- Edward Henry Loyd, Esquire ;
- Frederick Greene, Esquire ;

[Bill 2.]

A

A.D. 1895. shall after the *passing of this Act* be the Public Works Loan Commissioners under the Public Works Loans Act, 1875, and shall hold office until the expiration of *five years* from the *first day of April one thousand eight hundred and ninety-six*.

Grants for public works.

2.—(1.) For the purpose of local loans there may be issued by the National Debt Commissioners the following sums, namely—

(a.) For the purpose of loans by the Public Works Loan Commissioners, any sum or sums not exceeding in the whole the sum of *two million pounds* ;

(b.) For the purpose of loans by the Commissioners of Public Works in Ireland, any sum or sums not exceeding in the whole *eight hundred thousand pounds* ;

50 & 51 Vict. c. 16.

(2.) The sums so issued shall be issued during a period ending on the day on which a further Act granting money for the purposes of those loans comes into operation, and in accordance with the provisions of the National Debt and Local Loans Act, 1887.

Provision as to Suck drainage loans.

43 & 44 Vict. c. 14.

3. Whereas the Commissioners of Public Works in Ireland advanced during the year one thousand eight hundred and eighty-one the sum of Three thousand seven hundred and eighty-six pounds one shilling to the River Suck Drainage Board out of money placed at the disposal of the Commissioners under the Relief of Distress (Ireland) Amendment Act, 1880, and the Acts amending the same, by the Commissioners of Church Temporalities, and the sum so advanced was to bear no interest for two years after the date of the advance, but after the expiration of those two years was to bear interest at the rate of one per cent. per annum, and was to be repaid by an annuity of Three pounds eight shillings for every hundred pounds of the advance for thirty-five years, but no payments have yet been made on account of that annuity ;

53 & 54 Vict. c. 12.

And whereas by the River Suck Drainage (Provision of Funds) Act, 1890, provision was made fixing the rate of interest on all advances made by the Commissioners of Public Works to the said Board at three and a quarter per centum per annum, and for the repayment of such advances by an annuity of four pounds ten shillings for every hundred pounds advanced for forty years, and this provision was to take effect notwithstanding anything in any other Act ;

And whereas it was not intended that the last recited provision should alter the terms on which the said advance to the River Suck Drainage Board was originally made, and it is

expedient that those terms should be restored, and further, that provision should be made for enabling the Board to redeem by a present payment the annuity payable in respect of the said advance and any arrears thereof, therefore—

A.D. 1895.

5 (1.) Nothing in section three of the River Suck Drainage (Pro- vision of Funds) Act, 1890, shall affect or be held to have
10 affected the said advance of three thousand seven hundred and eighty-six pounds one shilling by the Commissioners of Public Works to the River Suck Drainage Board, and that advance shall be subject to the same conditions both as to interest and as to manner of repayment as if that Act had not been passed :

15 (2.) The annuity payable in respect of the said advance, and any arrears thereof, may be redeemed by the River Suck Drainage Board by the payment of such sum as the Treasury, with the concurrence of the Irish Land Commission, fix as necessary for such redemption; and any sum so paid for redemption shall be paid over under the direction of the Treasury to the Irish Land Commission, and applied by them
20 as money transferred to them from the Commissioners of Church Temporalities in Ireland :

25 (3.) The Commissioners of Public Works may, out of money placed at their disposal under this Act, advance to the River Suck Drainage Board the sum fixed as necessary for the redemption of the said annuity and any arrears thereof, and any such advance by the said Commissioners shall be repaid to the Commissioners in manner provided by section three of the River Suck Drainage (Provision of Funds) Act, 1890.

53 & 54 Vict.
c. 12.

30 4. Whereas there is due from the Commissioners of Anstruther Union Harbour to the Public Works Loan Commissioners the sum of sixteen thousand five hundred pounds, and this sum was under the Public Works Loans Act, 1887, written off from the account of assets of the local loans fund ;

Remission of
debt due
from
Anstruther
Harbour
Commis-
sioners.

35 And whereas there is also due from the Commissioners of the said harbour to the Fishery Board for Scotland the sum of six thousand five hundred pounds, but this debt is postponed to the security granted to the Public Works Loan Commissioners in respect of the said debt of sixteen thousand five hundred pounds ;

50 & 51 Vict.
c. 37.

40 And whereas the Treasury have agreed to accept the sum of one thousand pounds cash in satisfaction of the said two debts, and it is expedient that this agreement be confirmed ;

[2.]

A 2

A.D. 1895.

Therefore the said two debts, including all claims for interest in respect thereof, shall be extinguished, and the amount thereof shall be deemed a free grant by Parliament.

Remission of
interest
accrued on
loan to
Donegal
Railway
Company.

5. Whereas the Commissioners of Public Works in Ireland during the years one thousand eight hundred and eighty-one, one thousand eight hundred and eighty-two, and one thousand eight hundred and eighty-three, made advances amounting in all to the sum of forty thousand pounds to the West Donegal Railway Company, for the purpose of enabling that company to complete the portion of their railway running between Stranorlar and Druminin, both situated in the county of Donegal, and such advances were repayable within twenty-five years, with interest at the rate of five per cent. (subsequently reduced to four per cent.) per annum;

55 & 56 Vict.
c. clxi.

And whereas by the Donegal Railway Act, 1892, the West Donegal Railway Company was amalgamated with the Finn Valley Railway Company, and the amalgamated companies are now known as the Donegal Railway Company;

And whereas the balance of the capital sum of forty thousand pounds due in respect of the said advances was repaid by the Donegal Railway Company on the fifteenth day of February one thousand eight hundred and ninety-five, but of the sums accrued due in respect of interest on the said advances, which amounted on that date to the sum of twenty-one thousand two hundred and thirty-two pounds sixteen shillings and fourpence, the sum of eighteen thousand one hundred and four pounds four shillings and sixpence only has been repaid by the said company, leaving the sum of three thousand one hundred and twenty-eight pounds eleven shillings and tenpence unpaid;

And whereas arrears arose by reason of the income of the said portion of the railway for the purpose of completing which the advances were made being insufficient to enable any further sum to be repaid on account of the interest due in respect of the said advances, and it is expedient, for the purpose of enabling the Donegal Railway Company to raise by the issue of stock the sums required for the repayment of the capital of the said advances, to remit the balance remaining unpaid in respect of the interest on the said advances;

Therefore the Commissioners of Public Works in Ireland may accept in full discharge of the interest accrued due in respect of the said advances, the sum of *eighteen thousand one hundred and four pounds four shillings and sixpence, and the balance of the said*

interest remaining unpaid is hereby remitted and shall be deemed to be a free grant by Parliament. A.D. 1895.

6. Whereas it is expedient that the principal of the several local loans specified in the schedule to this Act should, to the extent
 5 specified in the last column of that schedule, not be reckoned as assets of the local loans fund established under the National Debt and Local Loans Act, 1887: therefore the principal of the said loans shall, to that extent, be written off from the assets of the local loans fund, and the provisions of section fifteen of the said Act shall, so far as
 10 applicable, apply thereto.

Certain debts not to be reckoned as assets of local loans fund.
 50 & 51 Vict. c. 16.

7. Whereas the properties mortgaged as security for the loans mentioned in Part II. of the schedule to this Act have been sold with the consent of the Treasury, and it is therefore expedient that the debts due in respect of the principal sums outstanding on
 15 account of these loans should be extinguished: *Therefore the said debts shall be extinguished, and the amounts thereof shall be deemed to be a free grant from Parliament.*

Remission of certain loans under Labourers Dwellings Act.
 29 & 30 Vict. c. 44.

8. This Act may be cited as the Public Works Loans Act, Short title. 1895, Session 2.

A.D. 1895.

SCHEDULE.

PART I.

LOANS BY THE COMMISSIONERS OF PUBLIC WORKS, IRELAND.

Name of Borrower.	Act authorising advance.	Amount advanced.	Amount re-paid.	Amount outstanding, to be written off the Assets of the Local Loans Fund.	5
John Wall - -	Land Law (Ireland) Act, 1881 (44 & 45 Vict. c. 49. s. 31).	69	£ s. d. 1 13 3	£ s. d. 67 6 9	10
Dan Donovan - -	Do. - -	60	9 11 6	50 8 6	
Mr. Carty - -	Do. - -	50	2 16 10	47 3 2	15
S. McManus - -	Do. - -	40	11 13 3	28 6 9	
Pat. O'Boyle - -	Do. - -	75	8 10 9	66 9 3	
Catherine Corr - -	Do. - -	54	11 10 10	42 9 2	
Mr. Regan - -	Do. - -	60	31 15 9	28 4 3	
Jas. Donlon - -	Do. - -	50	0 12 4	49 7 8	20
John Reilly - -	Do. - -	68	4 10 4	63 9 8	

PART II.

LOANS by the COMMISSIONERS of PUBLIC WORKS, IRELAND—continued.

Name of Borrower.	Act Authorising advance.	Amount advanced.	Amount repaid.	Amount outstanding, to be written off the Assets of the Local Loans Fund and to be extinguished.	25
Hugh Kelly - -	Labouring Classes Lodging Houses and Dwellings Act (Ireland) 1866 (29 & 30 Vict. c. 44.).	£ s. d. 2,050 0 0	£ s. d. 961 4 11	£ s. d. 1,088 15 1	30
Joseph Gallagher - -	Do. - -	560 0 0	545 3 11	14 16 1	35
		2,610 0 0	1,506 8 10	1,103 11 2	

PART III.

A.D. 1895.

LOANS BY THE FISHERY BOARD FOR SCOTLAND.

Loans to Fishermen under the Crofters' Holdings (Scotland) Act, 1886,
(49 & 50 Vict. c. 29.)

5	District.	Amount advanced.	Amount repaid and realised by sale of Boats.	Amount outstanding to be written off the Assets of the Local Loans Fund.
10		£ s. d.	£ s. d.	£ s. d.
	Wick - - -	369 0 0	203 15 11	165 4 1
	Stornoway - - -	658 8 0	378 3 11	280 4 1
	Barra - - -	67 0 0	33 8 3	33 11 9

Public Works Loans.

A

B I L L

To grant Money for the purpose of certain Local Loans, and for other purposes relating to Local Loans.

(*Prepared and brought in by
Mr. Hanbury and Mr. Chancellor of the
Exchequer.*)

*Ordered, by The House of Commons, to be Printed,
27 August 1895.*

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90, West Nile Street, Glasgow; or
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[*Price 1½d.*]

[Bill 2.]

A

B I L L

TO

Re-enact Section Thirteen of the Purchase of Land A.D. 1895.
(Ireland) Act, 1891.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 **1.** Section thirteen of the Purchase of Land (Ireland) Act, 1891, shall have effect as if enacted in this Act, with the modification that agreements thereunder may be entered into at any time within *six months* of the passing of this Act. Re-enactment with modification of 54 & 55 Vict. c. 48. s. 16.
- 10 **2.** This Act shall be construed as one with the Purchase of Land (Ireland) Act, 1891, and may be cited as the Purchase of Land (Ireland) Amendment Act, 1895, Session 2. Construction and short title.

Purchase of Land (Ireland) Amendment.

A

B I L L

To re-enact Section Thirteen of the
Purchase of Land (Ireland) Act,
1891.

*(Prepared and brought in by
Mr. Gerald Balfour
and Mr. Attorney General for Ireland.)*

*Ordered, by The House of Commons, to be Printed,
31 August 1895.*

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[Price 1s. 6d.]

[Bill 8.]

A.

B I L L

TO

Amend the Law relating to the Rating of Hereditaments A.D. 1895.
containing Machinery.

WHEREAS questions have from time to time arisen as to how far machinery is to be taken into consideration in estimating the rateable value of the premises in which any trade, business, or manufacture is carried on, and it is expedient to amend the law relating thereto:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

- 10 1. From and after the *passing of this Act* in estimating for the purpose of any valuation list, or poor or other local rate, the gross estimated rental or rateable value of any hereditament occupied for any trade, business, or manufacturing purposes, any increased value arising from machines, tools, or appliances which are not fixed or
- 15 are only so fixed that they can be removed from their place without necessitating the removal of any part of the said hereditament shall be excluded.

Definition of machinery and appliances which are not to be taken as enhancing the value of the hereditament for purposes of rating.

- Provided that the gross annual value of any such hereditament shall be estimated at not less than the sum at which it might
- 20 reasonably be expected to let for the purpose for which it is used on a tenancy from year to year void of the machines, tools, and appliances which it might reasonably be expected would be supplied by the tenant, if the tenant paid all the usual tenants' rates and taxes and tithe rentcharge (if any), and if the landlord undertook
- 25 to bear the cost of the repairs and insurance and the other expenses (if any) necessary to maintain the said hereditament in a state to command such rent.

Provided also that the terms machines, tools, and appliances for the purposes of this Act shall not apply to any machinery, machine,

[Bill 3.]

A.D. 1895. or plant used in or on the hereditament for producing or transmitting first motive power, or for heating or lighting the said hereditament.

Extent of
Act.

2. This Act shall not apply to Scotland or Ireland.

Short title.

3. This Act may be cited as the Rating of Machinery Act, 1895. 5

Rating of Machinery.

A

B I L L

To amend the Law relating to the
Rating of Hereditaments containing
Machinery.

(*Prepared and brought in by*
Mr. Gerald Balfour, Mr. Coddington,
Mr. Holland, Sir Bernhard Samuelson,
Mr. Mather, Mr. Tomlinson,
Sir W. Houldsworth, Mr. Smith Wright,
Mr. Strachey, and Mr. Jackson.)

Ordered, by The House of Commons, to be Printed,
8 February 1894.

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90, West Nile Street, Glasgow; or
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[*Price 1d.*]

[Bill 3.]

Reformatory and Industrial Schools (Channel Islands Children) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Power for Government at Channel Islands to contract with reformatory or industrial schools in Great Britain for reception of Channel Islands children.
 2. Channel Islands children may be sent to reformatory or industrial schools in Great Britain.
 3. Construction.
 4. Short title.
-

A

B I L L

FOR

Enabling Children to be sent from the Channel Islands to A.D. 1895.
Reformatory or Industrial Schools in Great Britain.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 1. Where, under any law of any of the Channel Islands, it is lawful for any court in the Channel Islands to sentence a young person to be sent to a reformatory or industrial school in Great Britain, and provision is made under any such law to the satisfaction of a Secretary of State—
- 10 (1) for the expenses of the conveyance of the young person to the school to which he is sent, and for his re-conveyance to the Channel Islands on his discharge from the school ; and
- (2) for the expenses of his maintenance at the school ; and
- (3) for the contribution (if any) to be made by his parent, step-
- 15 parent, guardian, or other person liable to maintain him, and the mode in which that contribution is to be raised ;
- the government of any of the Channel Islands may contract with the managers of any reformatory or industrial school in Great Britain for the reception of young persons sentenced to be sent to
- 20 any school by a court in the Channel Islands.
2. A young person sentenced as aforesaid in the Channel Islands to be sent to a reformatory or industrial school in Great Britain may be conveyed in the custody of any constable or other person acting under a warrant issued by any competent court in the
- 25 Channel Islands to the school to which he is sentenced to be sent, and he shall, during his conveyance to that school, be deemed to be in legal custody, both on sea and on land, and when delivered up to the managers of the school to which he is sent, he may
- [Bill 180.]

Power for Government at Channel Islands to contract with reformatory or industrial schools in Great Britain for reception of Channel Islands children. [See 47 & 48 Vict. c. 40. s. 2.]

Channel Islands children may be sent to reformatory or industrial schools in Great Britain. [See 47 & 48 Vict. c. 40. s. 3.]

A.D. 1895. — thenceforth be dealt with in the same manner and be subject to the Acts relating to reformatory and industrial schools in the same way as if he had been sent to the school by justices, a magistrate, or a court in the United Kingdom.

Construction.
[See
47 & 48 Vict.
c. 40. s. 4.]

3. In the construction of this Act for the purpose of the Acts 5 relating to reformatory schools and industrial schools—

The expression “young person” shall include “youthful offender” and “child.”

The expressions “sentence” and “sentenced” shall include “order” and “ordered.”

10

Short title.

4. This Act may be cited as the Reformatory and Industrial Schools (*Channel Islands Children*) Act, 1895.

Reformatory and Industrial Schools (Channel Islands Children).

A

B I L L

For enabling Children to be sent from
the Channel Islands to Reformatory
or Industrial Schools in Great
Britain.

(*Prepared and brought in by*
Mr. George Russell and Mr. Secretary Asquith.)

Ordered, by The House of Commons, to be Printed,
25 March 1895.

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50, West Nile Street, Glasgow; or
HODGES, FROGIS, & Co., LIMITED, 109, Grafton Street, Dublin.

[*Price 1d.*]

A

B I L L

TO

Amend the Law relating to the Register of Voters in Burghs and Populous Places in Scotland. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 1. This Act may be cited as the Voters Register (Scotland) Act, 1895, and shall be construed as one with the Registration Acts. Short title and construction.

2. This Act shall apply only to Scotland. Extent of Act.

10 3. The second section of the Burgh Voters Registration (Scotland) Act, 1856, so far as such section affects burghs and populous places in Scotland, shall be read as if the words "as far as
" conveniently may be in the alphabetical order of the surnames of
" the persons entitled as aforesaid or otherwise as far as con-
" veniently may be," and the words "alphabetical order of the
15 " surnames of the persons entitled as aforesaid," were omitted, and as if the following words were inserted after the words "all other
" places in the"—namely, "order of the valuation roll, the streets
" being arranged in alphabetical order." Amendment of 19 & 20 Vict. c. 58. s. 2.

20 4. The twenty-ninth section of the said Act, so far as such section affects burghs and populous places in Scotland, shall read as if the words "as far as conveniently may be in the alphabetical
" order of the surnames of the persons registered as voters or
" otherwise as far as conveniently may be," and the words
" alphabetical order of the surnames of the persons registered as
25 " voters" were omitted, and as if the following words were inserted after the words "being according to the"—namely,
" order of the valuation roll." Amendment of s. 29.

[Bill 224.]

A.D. 1895.

Interpreta-
tion.

5. In this Act the expressions "burgh and populous places" have the same meaning as in the Burgh Police (Scotland) Act, 1892; the expression "registration Acts" has the same meaning as in the Representation of the People Act, 1885; and the expression "valuation roll" means the roll made up by the 5 assessor in terms of the fourth section of the Lands Valuation (Scotland) Act, 1854.

Register of Burgh Voters (Scotland).

A

B I L L

To amend the Law relating to the
Register of Voters in Burghs and
Populous Places in Scotland.

(*Prepared and brought in by*
Mr. Baird, Sir Charles Cameron,
Captain Sinclair, Sir John Leng,
Mr. Parker Smith, and Mr. Whitelaw.)

Ordered, by The House of Commons, to be Printed,
3 May 1895.

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90, West Nile Street, Glasgow; or
HODGKINS, FRIGGS, & Co., LIMITED, 104, Grafton Street, Dublin.
[*Price 1s.4d.*]

[Bill 224.]

A
B I L L

TO

Amend the Law respecting Duplicate Entries on
Registers of Electors.

A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

- 5 **1.** Where the name of a person is entered both on the ownership list and on the list of parliamentary occupiers for the same parish and parliamentary county, the revising barrister shall place an asterisk or other mark against the name on the ownership list, and such person shall not be qualified to exercise any vote by reason of
10 such entry, and such entry shall not be numbered.
- 2.** The Acts mentioned in the schedule to this Act are hereby Repeal.
repealed to the extent mentioned in the third column of that
schedule.
- 3.** This Act may be cited as the Registers of Electors (Duplicate Short title.
15 Entries) Act, 1895.

A.D. 1895.SCHEDULE.

Session and Chapter.		Short Title.		Extent of Repeal.
51 Vict. c. 10.	-	County Electors Act, 1888	-	Sub-section five of section seven.
56 & 57 Vict. c. 73.	-	Local Government Act, 1894	-	Sub-section seven of section forty-four. 5

Registers of Electors (Duplicate Entries).

A

B I L L

To amend the Law respecting
Duplicate Entries on Registers of
Electors.

(Prepared and brought in by
*Mr. J. W. Sidebottom, Mr. Bartley,
Mr. Barlow, Mr. Disraeli, and Mr. Mowbray.*)

*Ordered, by The House of Commons, to be Printed,
28 March 1895.*

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JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and
80, West Nile Street, Glasgow; or
HODGES, FRODIP, & Co., LIMITED, 104, Grafton Street, Dublin.

•
[Price 1d.]

[Bill 187.]

A

B I L L

TO

Reduce the period of Qualification for Registration for A.D. 1895.
 Parliamentary and other Elections. —

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

5 **1.** This Act may be cited as the Registration Amendment Act, Short title.
 1895.

10 **2.** From and after the *passing of this Act*, the length of residence entitling persons otherwise duly qualified to be placed upon the register for and to vote at Parliamentary and all other elections shall be *three calendar months* in lieu of twelve calendar months as heretofore by the statutes on that behalf provided. Residential qualification of electors.

3. From and after the *passing of this Act*, all and any provisions in any other Act or Acts inconsistent with this Act shall be and are hereby repealed. Repeal of provisions.

Registration Law Amendment.

A

B I L L

To reduce the Period of Qualification
for Registration for Parliamentary
and other Elections.

(*Prepared and brought in by*
Mr. Frederick Frye, Mr. Moulton, Mr. Norry,
Captain Norton, Mr. Pickersgill, Mr. Stuart,
Mr. James Rowlands, and Mr. Stewart Wallace.)

Ordered, by The House of Commons, to be Printed,
8 February 1895.

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90, West Nile Street, Glasgow; or
HODGES, FISGAR, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price 1s. 4d.*]

[Bill 43.]

Registration of Firms Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Commencement of Act.
3. Interpretation of terms.
4. Firms and persons to be registered.
5. Manner and particulars of registration.
6. Particulars to be written by persons registering, and to be attested.
7. Time for registration.
8. Registered name always to be used.
9. Registration of changes in firm.
10. Re-registration on change of firm-name.
11. Penalty for default in registration.
12. Persons in default bringing action shall be ordered by Court to register.
13. Making false returns under this Act to be misdemeanor.
14. Registrar to file statement and issue certificate of registration.
15. Register and index to be kept.
16. Registrar of joint stock companies to be registrar under this Act.
17. Inspection of statements registered.
18. Abstract of statements to be sent in certain cases to county courts, sheriffs' courts, and civil bill courts.
19. Power for Board of Trade to make rules.
20. Power for Board of Trade to appoint additional officers.
21. Remuneration for additional duties of registrars.
22. Application of fees.
23. Forms.

SCHEDULE OF FORMS.

A

B I L L

FOR

The Registration of Firms.

A.D. 1895.

WHEREAS it is expedient to provide for the registration of firms and of persons carrying on business under names or styles other than their own :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as the Registration of Firms Act, 1895. Short title.

2. This Act shall come into operation on the *first day of January*, one thousand eight hundred and ninety-six, which date is hereinafter referred to as the commencement of this Act. Commencement of Act.

3. In the construction of this Act the following words and expressions shall have the meanings in this section assigned to them, unless there be something in the subject or context repugnant to such construction : Interpretation of terms.

"Firm" shall mean any two or more persons lawfully associated for the purpose of carrying on any business, but shall not include a company incorporated by or in pursuance of any

Act of Parliament, Letters Patent, or Royal Charter, or a mining company subject to the jurisdiction of the Stannaries :

"Firm-name" shall mean the name or style under which any business is carried on, whether in partnership or otherwise :

"Prescribed" shall mean prescribed by rules made in pursuance of this Act :

"Usual name" shall include a signature habitually used for business purposes.

4. From and after the commencement of this Act—

(a.) Every firm carrying on business or having any place of business in the United Kingdom, under a firm-name which

Firms and persons to be registered.

[Bill 252.]

A

A.D. 1895.

does not consist of the full or the usual names of all the partners or all the acting partners without any addition ;

- (b.) Every person carrying on business or having any place of business in the United Kingdom, under any firm-name consisting of or containing any name or addition other than the full or the usual name of that person ;

shall register in the manner directed by this Act the name under which their or his business is or is intended to be carried on.

Manner and particulars of registration.

5. Registration under this Act shall be effected by sending by post or delivering to the registrar at the register office in that part of the United Kingdom in which the place of business of the firm or person registering is or is intended to be situated, a statement in writing containing the following particulars :

- (a.) The firm-name.
- (b.) The nature of the business. 15
- (c.) The place or places of the business.
- (d.) The full name, usual residence, and other occupation if any of the person or persons carrying on or intending to carry on the business.
- (e.) If the business is commenced or any new place of business is established after the commencement of this Act, the date of the commencement of the business or establishment of the place of business. 20

Particulars to be written by persons registering, and to be attested.

6. The persons carrying on or intending to carry on any business under a firm-name required to be registered as aforesaid shall write and sign or shall acknowledge a statement of the particulars required for registration, if in the United Kingdom, in the presence of a justice of the peace, sheriff, solicitor, law agent, or writer to the signet, and if abroad, in the presence of a British consul or notary public, by whom respectively such signatures or acknowledgments shall be attested. 25 30

Time for registration.

7. The firms and persons required to be registered as aforesaid shall register before they commence business.

Provided that if such firms or persons have carried on business before the commencement of this Act it shall be sufficient if they register within one month after that date. 35

Registered name always to be used.

8. The name of any firm or person registered under this Act shall be used in all matters connected with or relating to the business carried on by such firm or person.

9. Where a change occurs in the constitution of a registered firm, the members of the firm as re-constituted shall, within *one month* after such change, send by post or deliver to the registrar a statement thereof in the form in the Schedule to this Act annexed
 5 (or in any other prescribed form).

A.D. 1895.
 —
 Registration of changes in firm.

10. A registered firm changing its firm-name shall be registered as if it were a new firm, and the statement sent or delivered to the registrar shall mention the former name of the firm as being abandoned by it, as well as the particulars required for a new
 10 registration.

Re-registra-
 tion on
 change of
 firm-name.

11. If any person by this Act required to send or deliver any statement shall make default without reasonable excuse in sending or delivering the same in manner and within the time specified by this Act, he shall, for every day during which the default continues,
 15 be liable on summary conviction before two justices of the peace to a fine not exceeding *one pound*.

Penalty for
 default in
 registration.

12. Where any firm or person by this Act required to send or deliver any statement to the registrar has therein made default, and during the default commences any action in the firm-name,
 20 or for a cause of action arising out of any dealing by such firm or person in the firm-name, the court shall order the firm or person in default to send or deliver to the registrar the proper statement, and may stay all proceedings in the action until the order be complied with, or allow proceedings to be continued on an under-
 25 taking to comply with the order within a time to be limited by the court. The power by this section given to the court may be exercised by a judge at chambers and by a master or district registrar exercising the authority or jurisdiction of a judge at chambers.

Persons
 in default
 bringing
 action shall
 be ordered
 by court to
 register.

30 13. Every one commits a misdemeanor and shall be liable to imprisonment with hard labour for a term not exceeding *two years* who makes, signs, sends, or delivers for the purpose of registration under this Act any false statement purporting to be made under this Act and known by him to be false.

Making false
 returns
 under this
 Act to be
 misdemeanor.

35 14. On receiving any statement made in pursuance of this Act the registrar shall cause the same to be filed, and he shall send by post or deliver a certificate of the registration thereof to the firm or person registering.

Registrar to
 file statement
 and issue
 certificate of
 registration.

15. At each of the register offices herein-after referred to the
 40 registrar shall keep, in proper books to be provided for the purpose,

Register and
 index to be
 kept.

A.D. 1895. a register and an index of all the firms and persons registered, and of all the statements registered in reference thereto.

Register of joint stock companies to be registrar under this Act.

16. The registrar of joint stock companies shall be the registrar of firms for the purposes of this Act, and the several offices for the registration of joint stock companies in London, Edinburgh, and Dublin shall be the offices for the registration of firms carrying on business within those parts of the United Kingdom in which they are respectively situated. 5

Inspection of statements registered.

17. Any person may inspect, make extracts from, or copies of the statements filed by the registrar in the register offices aforesaid, and there shall be paid for such inspection such fees as may be appointed by the Board of Trade not exceeding *one shilling* for each inspection; and any person may require a certificate of the registration of any firm or person, or a copy of or extract from any registered statement to be certified by the registrar, and there shall be paid for such certificate of registration, certified copy, or extract such fees as the Board of Trade may appoint not exceeding *two shillings* for the certificate of registration, and not exceeding *sixpence* for each folio of seventy-two words, or in Scotland for each sheet of two hundred words. 10 15 20

A certificate of registration, or a copy of or extract from any statement registered under this Act, purporting to be signed and certified by the registrar, shall in all courts and before all arbitrators or other persons be admitted as *prima facie* evidence thereof, and of the fact and date of registration as shown thereon. 25

Abstract of statements to be sent in certain cases to county courts, sheriffs' courts, and civil bill courts.

18. The registrar or other officer in charge of the register shall, within *seven days* after the registration of any statement under this Act, send an abstract thereof in the prescribed form to the officials herein-after mentioned, whenever it shall appear that any of the places of business therein described or referred to are situated within the jurisdiction of the courts to which such officials are attached; (that is to say,) 30

(a.) When the registration is in England, to the registrars of county courts (exclusive of those attached to county courts within the London bankruptcy district, as defined by the Bankruptcy Act, 1883): 35

(b.) When in Scotland, to the sheriff clerks of the sheriffs' courts:

(c.) When in Ireland, to the clerks of the peace or other officials whose duty it is to enter up judgments, decrees, or orders of the civil bill courts. 40

Every abstract so transmitted shall be filed, kept, and indexed by the official to whom it has been sent, and any person may inspect, make extracts from or copies of the same, or obtain certified copies thereof in the like manner and upon the like terms as at the register offices in London, Edinburgh, and Dublin. A.D. 1895.

19. The Board of Trade may, either before or after the commencement of this Act, and thereafter from time to time, make rules and revoke or alter rules when made (but as to fees with the concurrence of the Commissioners of the Treasury) concerning any of the following matters : Power for Board of Trade to make rules.

(a.) The fees to be paid to the registrar under this Act, so that they do not exceed the sum of *five shillings* for the registration of any one statement :

15 (b.) The mode of payment and the application of fees payable under this Act :

(c.) The duties or additional duties to be performed by any registrar for the purposes of this Act :

(d.) Generally the conduct and regulation of registration under this Act, and any matters incidental thereto.

20 20. The Board of Trade may from time to time appoint such additional assistant registrars, clerks, and servants as they may think necessary for the registration of firms under this Act, and may remove them at pleasure. Power for Board of Trade to appoint additional officers.

25 21. *There shall be paid out of moneys to be provided by Parliament to the registrar, assistant registrars, clerks, and servants, such remuneration in respect of the additional duties performed by them under this Act as the Board of Trade may from time to time with the concurrence of the Commissioners of the Treasury direct.* Remuneration for additional duties of registrars.

30 22. Subject to any rules to be made under this Act, all fees payable under this Act shall be paid and applied in the same manner as fees paid under the Companies Act, 1862, or any Act amending the same. Application of fees.

35 23. For the purpose of making the statements required by this Act, the forms in the Schedule to this Act or any prescribed forms to the like effect may be used, and if used shall be sufficient. Forms.

SCHEDULE.

A.D. 1895.

FORMS OF STATEMENT.

A. Original Registration of a Firm.

The firm-name is

The business of the firm is

5

It is intended to carry on the business at

Names of persons carrying on [*or* intending to carry on] the business.

Full name

Usual residence

Other occupation,

(to be written or

description, and addition

acknowledged by

(if any).

10

each person

himself).

Date of intended commencement of business or establishment of new place of business, if after the commencement of the Act.

Signed and declared

15

at

on the day of 18 .

Before me

*A justice of the peace for

*As the case
may be.

*British Consul at

*Notary public of

20

*B. Notice of Change in constitution of registered Firm.*Registered
firm-name
& Co.We the undersigned [*the members of the firm as re-constituted*] hereby give notice that on the day of 18 , the following

change took place in the constitution of the firm registered by the name of & Co., that is to say :

25

*As the case
may be.

*A.B. retired from the firm.

*C.D. became a member of the firm.

†As upon an
original
registration.*Description of a new Member.†*

Full name

Usual residence

Other occupation, 30
description, and
additions if any.

Signed and declared, &c.

*C. Notice of Change of registered Firm-name.*Registered
firm-name
& Co.*(In addition to Form A.)*

35

The persons now registering are the persons who heretofore carried on business under the registered firm-name of & Co.,
which is abandoned as from the date of this notice.

Registration of Firms.

A

B I L L

For the Registration of Firms.

(*Prepared and brought in by
Sir John Leng, Sir Albert Rollit, Mr. Ranson
Shaw, and Sir Joseph Crossland.*)

*Ordered, by The House of Commons, to be Printed,
17 May 1895.*

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90, West Nile Street, Glasgow; or
HODGERS, FIGGIS, & CO., LIMITED, 104, Grafton Street, Dublin.

[*Price 1½d.*]

[Bill 252.]

A

B I L L

TO

Amend the Law relating to the Registration of
Parliamentary Voters in Ireland.

A.D. 1895.
—

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 **1.** This Act may for all purposes be cited as the Parliamentary Registration (Ireland) Act, 1895. Short title.

2. This Act shall extend to Ireland only.

Extent of
Act.

3. After the *passing of this Act* in making out the lists of inhabitant occupiers, rated occupiers, and persons claiming to vote
10 at parliamentary elections, the following order shall be observed, namely :—In parliamentary boroughs in each polling district of each parliamentary division the streets shall be placed in alphabetical order, and the names of the voters in each street shall be placed in alphabetical order ; in counties and county divisions the
15 townlands in each polling district of each parliamentary division shall be placed in alphabetical order, and the names of the voters in each townland shall be placed in alphabetical order ; in towns comprised in counties and county divisions the names of the streets in each town in each polling district shall be placed in alphabetical
20 order, and the names of the voters in each street shall be placed in alphabetical order.

Arrangement
of voters
lists.

Registration of Voters (Ireland).

A

B I L L

To amend the Law relating to the
Registration of Parliamentary Voters
in Ireland.

(Prepared and brought in by
*Mr. Power, Mr. Sexton, Mr. Mathew Kenny,
Mr. Macartney, Mr. Patrick M'Hugh,
Mr. Tully, and Mr. Webb.*)

*Ordered, by The House of Commons, to be Printed,
17 May 1895.*

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JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
HODGKIN, FISHER, & Co., Limited, 103, Grafton Street, Dublin.

[Price ½d.]

[Bill 254.]

A

B I L L

FOR

The Abolition of Prosecutions for the Expression of
Opinion on Matters of Religion.A.D. 1895.

WHEREAS certain laws now in force which were intended for the promotion of religion are no longer suitable for that purpose, and whereas great wrong and injury are often caused by the operation of such laws, and it is expedient to repeal them :

5 Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. After the *passing of this Act* no criminal proceedings shall
10 be instituted in any court against any person for schism, heresy, blasphemous libel, blasphemy at common law, or atheism.

No criminal proceedings to be taken for schism, heresy, &c.

2. The Acts contained in the schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned.

Repeal.

15 3. Provided that nothing herein contained shall be deemed to affect the provisions of an Act passed in the nineteenth year of His late Majesty King George the Second, chapter twenty-one, intituled "An Act more effectually to prevent profane cursing and swearing."

Saving.

20 4. This Act may be cited as the Religious Prosecutions Abolition Act, 1895.

Short title.

A.D. 1895.

SCHEDULE.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
1 Edw. 6. c. 1. -	An Act against such as shall unreverently speak against the Sacrament of the body and blood of Christ, commonly called the Sacrament of the Altar; and for the receiving thereof in both kinds.	The whole Act. 5 10
1 Eliz. c. 2. s. 3. -	An Act for the uniformity of Common Prayer and Divine Service in the Church and the Administration of the Sacraments.	In section three the words "shall in any interludes, "plays, songs, rhymes, or "by other open words, de- 15 "clare or speak anything in "the derogation, depraving, "or despising of the same "book, or of anything "therein contained, or any 20 "part thereof, or,"
9 & 10 Wm. 3. c. 35. -	An Act for the more effectual suppressing of blasphemy and profaneness.	The whole Act.
21 Geo. 3. c. 49. -	An Act for preventing certain abuses and profanations on the Lord's Day.	In preamble the words, "un- 25 "der pretence of inquiry "into religious doctrines "and explaining texts of "Holy Scripture, debates "have been frequently held 30 "on the evening of the "Lord's Day concerning "divers texts of Holy "Scripture by persons un- "learned and incompetent "to explain the same to 35 "the corruption of good "morals and to the great "encouragement of irreligi- "on and profaneness." In section one the words "or 40 "for publicly debating on "any subject whatever."
6 Geo. 4. c. 47. -	An Act for restricting the punishment of leasing, making, sedition, and blasphemy in Scotland.	So much of the Act as re- lates to the crime of blasphemy. 45

Religious Opinions (Prosecutions).

A

B I L L

For the Abolition of Prosecutions for
the Expression of Opinion on Matters
of Religion.

(Prepared and brought in by
*Mr. Gornley, Mr. Storey, Mr. Madden,
Mr. Dalziel, Mr. Labouchere, Mr. Lloyd-George,
and Sir Henry Roscoe.*)

*Ordered, by The House of Commons, to be Printed,
1 March 1895.*

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JOHN MENZIES & CO., 12, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
HODGES, FREGG, & CO., LIMITED, 104, Grafton Street, Dublin.

[*Price 3d.*]

[Bill 146.]

A

B I L L

TO

Enable Passengers in Railway Trains and on Steamboats, A.D. 1895.
 &c. to make use of Return Tickets at any time after
 the Date of Issue.

BE it enacted by the Queen's most Excellent Majesty, by and
 with the advice and consent of the Lords Spiritual and
 Temporal, and Commons, in this present Parliament assembled,
 and by the authority of the same, as follows:

5 **1.** This Act may be cited for all purposes as the Railways and Short title.
 Steamboats Return Tickets Act, 1895.

10 **2.** From and after a date to be fixed by order of the Board of Return
 Trade, and subject to such exceptions, if any, as may be allowed tickets
 by such order, every passenger ticket issued within the United available
 Kingdom by any railway company, or by any steamboat company any time
 or proprietor running boats in connexion with railway trains for a after issue.
 .. return journey by such trains or boats, shall be available at any time
 after the date of issue.

Return Tickets.

A

B I L L

To enable Passengers in Railway Trains
and on Steamboats, &c. to make use
of Return Tickets at any time after
the Date of Issue.

(Prepared and brought in by
Mr. Alpheus Morton, Mr. Bougfield,
Mr. John Burns, Dr. Clark, Sir John Lecky,
Mr. Lloyd Morgan, Mr. Proctor,
Sir Albert Rollit, and Dr. Tanner.)

Ordered, by The House of Commons, to be Printed,
15 February 1895.

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and 82, Abingdon Street, Westminster, S.W.; or
John Menzies & Co., 12, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
HODGES, FRODGS, & CO., LIMITED, 104, Grafton Street, Dublin.

[*Price 3d.*]

[Bill 114.]

Rivers Pollution Prevention Bill.

MEMORANDUM.

The principal object of this Bill is to improve the law for preventing the pollution of streams by extending to county councils, joint committees, and rivers boards in England the main provisions of the Mersey and Irwell Act of 1892 and the West Riding of Yorkshire Rivers Act of 1894 referred to in the marginal notes as the Mersey and Irwell Act and the West Riding Act. Many provisions are in both Acts, although one reference only is given.

New clauses and provisoes are added :—

- (1.) To prevent the pollution of streams by canals (cl. 7);
- (2.) To qualify justices to act, though they are members of the local authority or ratepayers (cl. 13);
- (3.) To empower any local authority to contribute to the expenses of a prosecution by any other authority (cl. 18 (3));
- (4.) To empower the Local Government Board to order in certain cases the rating of areas specially benefited (cl. 20, proviso).
- (5.) To enable defendant to be witness in certain cases.

1895.

Rivers Pollution Prevention Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title of Act.
2. Extension of Act.

PART I.—SOLID MATTERS.

3. Prohibition of putting solid matter into streams.

PART II.—LIQUID SEWAGE POLLUTION.

4. Prohibition of sending liquid sewage into streams.
5. Power to grant time for execution of works in case of existing pollutions.

PART III.—LIQUID MANUFACTURING AND OTHER POLLUTION.

6. Prohibition of sending polluting liquid from manufactory into streams.
7. Prohibition of sending polluted liquid from canals into streams.
8. Restrictions on proceedings under this part of this Act.
9. Local authority to afford facilities for factories draining into sewers.

PART IV.—PENALTIES AND PROCEDURE.

10. Penalty on offences against Act.
11. Recovery of Penalties.
12. Appeal to quarter sessions and the High Court.
13. What justices may act.
14. Orders as to costs of inquiries.
15. Power of inspectors of Local Government Board.

Local Authorities.

16. Local authority.
17. Constitution of a joint committee.
18. Power of local authority, &c. to enforce Act.
19. Power of entry.
20. Expenses of local authority.
21. Application of penalties.

[Bill 39.]

A 2

Clause.

Miscellaneous.

22. Saving as to water flowing from mines and collieries.
23. Defendant, &c. may be witness.
24. Powers of Act cumulative.
25. Saving of rights of impounding and diverting water.
26. Saving of certain Conservancy Acts.
27. Power of Lee Conservancy Board to enforce Act.
28. Saving of works of certain local authorities.
29. Definitions.
30. Repeal.

SCHEDULE.

A

B I L L

TO

Make more effectual provision for Prevention of the
Pollution of Rivers and Streams.

A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 1. This Act may be cited for all purposes as the Rivers Pollution Prevention Act, 1895. Short title of Act.

2. This Act shall not extend to Scotland or Ireland. Extension of Act.

PART I.—SOLID MATTERS.

3. Every person who—

- 10 (a) puts or throws or causes to be put or thrown or to fall ; or
 (b) knowingly permits to be put or to fall or to be carried ; or
 (c) causes or knowingly permits to be put in such a position as to
 be liable to fall or to be carried

Prohibition
of putting
solid matter
into streams.
See 39 & 40
Vict. c. 75.
ss. 2, 5.

15 into any stream the solid refuse of any manufactory, manufacturing
 process, brickyard, mine, pitshaft, or quarry, or any ashes, cinders
 or clinkers, or any building rubbish or any sludge, or any solid
 sewage matter, or other waste or putrid solid matter, shall be
 deemed to have committed an offence against this Act :

See Mersey
and Irwell
Act, s. 2.

20 Provided that no person shall be deemed to have committed an
 offence against this Act for doing or causing to be done any of the
 following acts, that is to say :

- 25 (i.) For constructing in or across any stream any building, weir,
 dam, or other permanent work with necessary temporary coffer-
 dams, which, but for the passing of this Act, he would have a
 legal right to construct ; or
 (ii.) For pitching or depositing stones or any other suitable or
 solid materials (not likely to be washed or carried away by the

A.D. 1895.

stream or current rising to the line of an ordinary flood) at the side or on the bank of any stream for the express and bonâ fide purpose of reclaiming land washed away by the action of such stream, or of supporting or protecting the side or bank of such stream, or of repairing the same, or of erecting or 5 repairing any bridge or ford, or any building, drain, sewer, or watercourse upon or within the banks of such stream, or the slopes or walls thereof, at or convenient to the point at which the same shall be so pitched or deposited; or

(iii.) For putting into any stream any sand or gravel, or other 10 natural deposit, which shall have flowed from or been deposited by the current of such stream :

Provided that the sand or gravel, or other natural deposit, so put back as aforesaid do not interfere with the due flow or pollute the 15 waters of such stream.

PART II.—LIQUID SEWAGE POLLUTION.

Prohibition
of sending
liquid
sewage into
streams.

39 & 40

Vict. c. 75.

s. 3. Mersey
and Irwell
Act, s. 3.56 & 57 Vict.
c. 31.

4. Every person who causes to fall or flow or knowingly permits to fall or flow or to be carried into any stream any liquid sewage matter shall (subject as in this Act mentioned) be deemed to have committed an offence against this Act. 20

Where any sewage matter falls or flows or is carried into any stream after passing through or along a channel which is vested in a sanitary authority, the sanitary authority shall for the purposes of this Act be deemed to knowingly permit the sewage matter so to fall or flow or be carried. 25

A person other than a sanitary authority shall not be guilty of an offence under this section in respect of the passing of sewage matter into a stream along a drain communicating with any sewer belonging to or under the control of any sanitary authority provided he has the sanction of the sanitary authority for so doing. 30

Power to
grant time
for execution
of works in
case of
existing
pollutions.

See 39 & 40

Vict. c. 75.

s. 3. Mersey
and Irwell
Act, s. 4.

5.—(1.) On the application of any sanitary authority which at the *passing of this Act* is committing any offence within the meaning of the last preceding section, the Local Government Board may, if having regard to all the circumstances of the case they think necessary, by order, grant time to such authority for executing any 35 works or doing any acts necessary to prevent the commission of the offence, and during the time specified in the order (which may be extended by a subsequent order) no proceedings under the said section shall be taken by any person against the authority named in the order. 40

(2.) The Local Government Board may in such order prescribe the several periods within which successive steps preliminary to and requisite for the obtaining of power to execute such works or to do such acts shall be taken by such sanitary authority and the period for executing the said works and for doing the said acts and such periods or any of them may be extended by a subsequent order.

(3.) Unless and until such sanitary authority make default in taking any such step or executing any such works or doing any such act within the time prescribed in that behalf in such order no proceedings under the said section shall be taken by the Local Government Board against the authority named in the order.

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See West
Riding Act,
s. 8 (2) and
(3).

PART III.—LIQUID MANUFACTURING AND OTHER POLLUTION.

6.—(1.) Every person who causes to fall or flow or knowingly permits to fall or flow or to be carried into any stream any poisonous noxious or polluting liquid other than liquid sewage matter shall (subject as in this Act mentioned) be deemed to have committed an offence against this Act.

Prohibition
of sending
polluting
liquid from
manufactory
into streams.

(2.) Where any such poisonous noxious or polluting liquid as aforesaid falls or flows or is carried into any stream along a channel used, constructed, or in process of construction, at the date of the passing of the Rivers Pollution Prevention Act, 1876, or any new channel constructed in substitution thereof, and having its outfall at the same spot, for the purpose of conveying such liquid, the person causing or knowingly permitting the poisonous noxious or polluting liquid so to fall or flow, or to be carried, shall not be deemed to have committed an offence against this Act if he shows he is using the best practicable and reasonably available means to render harmless the poisonous noxious or polluting liquid so falling or flowing or carried into the stream.

39 & 40 Vict.
c. 75. s. 4.

Mersey and
Irwell Act,
s. 5.

39 & 40 Vict.
c. 75.

7. If a person in whom any canal or canalised stream is vested under the provisions of any Act of Parliament or otherwise, causes or permits any poisonous noxious or polluting liquid to fall or flow or to be carried from such canal or canalised stream into any other stream, such person shall (subject as in this Act mentioned) be deemed to have committed an offence against this Act provided that such liquid shall not first have fallen or flowed or been carried into the canal or canalised stream from a stream not vested in such person.

Prohibition
of sending
polluted
liquid from
canals into
streams.

8.—(1.) Proceedings shall not be taken under this part of this Act against any person save by a local authority or person in whom

Restrictions
on proceed-
ings under

A.D. 1895. a canal or canalised stream is vested, nor without the consent of the Local Government Board.

this part of
this Act.

39 & 40 Vict.
c. 75. s. 6.
Mersey and
Irwell Act,
s. 6.

(2.) A local authority shall, *one month* at least before taking proceedings under this part of this Act against any person, serve by post or otherwise on such person a written notice inviting him, 5 if he desires to show cause why proceedings should not be taken, to appear before the local authority (or a committee of such authority), at a time and place to be specified in the notice.

(3.) If the authority, either after hearing such person by himself, agents, and witnesses, or in default of his appearance, decide that 10 proceedings ought to be taken they shall forthwith notify their decision and the grounds thereof to such person and to the Local Government Board, and shall apply for the Board's consent.

(4.) The Board may hold a local inquiry into the circumstances of the case, but shall inform the authority and such person whether 15 they give or withhold their consent before the expiration of *three months* from the date of the authority's application for it.

(5.) The Local Government Board shall not give their consent to such proceedings, unless they are satisfied, after local inquiry, and having regard to the reasonableness of the cost, and the effect 20 on the industry or trade in question, that means for rendering harmless the poisonous noxious or polluting liquid are reasonably practicable and available under all the circumstances of the case.

Local authority to afford facilities for factories draining into sewers.

39 & 40 Vict.
c. 75. s. 7.

9. Every local authority having sewers under their control shall give facilities for enabling manufacturers within their district to 25 carry the liquids proceeding from their factories or manufacturing processes into such sewers:

Provided that this section shall not extend to compel any local authority to admit into their sewers any liquid which would prejudicially affect such sewers, or the disposal by sale, application 30 to land, or otherwise, of the sewage matter conveyed along such sewers, or which would from its temperature or otherwise be injurious from a sanitary point of view:

Provided also, that no local authority shall be required to give such facilities as aforesaid where the sewers of such authority are 35 only sufficient for the requirements of their district, nor where such facilities would interfere with any order of any court of competent jurisdiction respecting the sewage of such authority.

PART IV.—PENALTIES AND PROCEDURE.

Penalty on offences against Act.

10. Every person who commits an offence against this Act, for 40 which no other penalty is specified, shall be liable for the first

offence to a penalty not exceeding *twenty pounds*, and for a second or any subsequent offence to a penalty not exceeding *fifty pounds*, and to a penalty not exceeding *forty shillings* for every day on which the offence is continued after conviction.

A.D. 1895.

Mersey and
Irwell Act,
s. 7.; also
39 & 40 Vict.
c. 75. s. 10.

Recovery of
penalties.
Mersey and
Irwell Act,
s. 8.

5 11.—(1.) Offences under this Act may be prosecuted and penalties recovered in a summary manner before a court of summary jurisdiction.

(2.) In any proceedings under this Act, a local authority may act by their clerk or other officer authorised in that behalf.

10 (3.) A court of summary jurisdiction, before which any person is summoned for an offence under this Act, may by order require such person to abstain from the commission of such offence, and where such offence consists in default to perform a duty under this Act, may require him to perform such duty in manner in the said
15 order specified. The court may insert in any order such conditions as to time or mode of action as it may think just, and may suspend or rescind any order on such undertaking being given, or condition being performed, as it may think just, and generally may give such directions for carrying into effect any order as to the court seems
20 meet.

(4.) Any person making default in complying with any requirement of an order of the court, under this section, shall be liable to a penalty not exceeding *fifty pounds* a day for every day during which he is in default, as the court may order.

25 12.—(1.) If either party in any proceedings feels aggrieved by the decision of a court of summary jurisdiction under this Act, such party may appeal to the next practicable court of quarter sessions, holden in or for the county, borough, or place where the matter of appeal arises.

Appeal to
quarter
sessions and
the High
Court.

30 (2.) If either party on an appeal to the said court of quarter sessions feels aggrieved by the decision of the said court he may appeal from that decision to the High Court in accordance with the rules of the Supreme Court for the time being.

See West
Riding
Act, s. 14.

(3.) On the hearing of an appeal the High Court shall have
35 power to draw any inference of fact, and may either order a new trial on such terms as the court shall think just, or may order judgment to be entered for any party as the case may be, or may make a final or other order on such terms as the High Court may think proper to ensure the determination on the merits of the real
40 questions in controversy between the parties.

A.D. 1895.

What
justices may
act.

38 & 39 Vict.
c. 55. s. 258.

13. No justice of the peace shall be deemed to be incapable of acting in cases arising under this Act by reason of his being a member of a local authority, or by reason of his being as one of several ratepayers, or as one of any other class of persons liable in common with the others to contribute to or be benefited by any rate or fund out of which any expenses incurred by such authority are by this Act to be defrayed. 5

Orders as to
costs of
inquiries.

39 & 40 Vict.
c. 75. s. 14.

14. The Local Government Board may make orders as to the costs incurred by them in relation to inquiries instituted by them under this Act, including the salaries of any inspectors of the Board engaged in such inquiries not exceeding *three guineas* a day, and as to the parties by whom such costs shall be borne, and every such order may be made a rule of the High Court. 10

Power of
inspectors of
Local
Government
Board.

39 & 40 Vict.
c. 75. s. 15.
38 & 39 Vict.
c. 55.

15. Inspectors of the Local Government Board shall, for the purposes of any inquiry directed by the Board under this Act, have, in relation to witnesses and their examination, the production of papers and accounts, and the inspection of places and matters required to be inspected, similar powers to those which the inspectors of the said Board have under the Public Health Act, 1875, for the purposes of that Act. 15 20

Local Authorities.

Local
authority.

51 & 52 Vict.
c. 41.

16.—(1.) In this Act the expression “local authority” means any county council, also any joint committee or other representative body constituted under this Act, or under section fourteen of the Local Government Act, 1888, or under any other Act, for the purpose of enforcing the laws relating to the pollution of rivers: 25

West Riding
Act, s. 17.

Provided that (save as herein-after mentioned) proceedings shall not be taken against any person under this Act while proceedings are pending against such person in respect of the same offence or a recurrence thereof under any other Act and proceedings shall not be taken against any person under any other Act while proceedings are pending against such person in respect of the same offence under this Act: 30

Nevertheless if in any case the Local Government Board shall be of opinion on the representation of the local authority or of any person that any proceedings pending under this Act or any other Act are not being prosecuted *bonâ fide* and with due diligence they may by order authorise such other proceedings to be taken either under this Act or under any other Act and either by the local authority or by any person as having regard to all the 35 40

circumstances of the case the Local Government Board may think just. A.D. 1895.

(2.) The expression "district," used in relation to a local authority, means the sanitary district, administrative county, or other area, as the case may be, within which such authority has jurisdiction.

(3.) A county council may, subject to the provisions of the Local Government Act, 1888, delegate to a committee or committees all or any of the powers exerciseable by them as a local authority under this Act.

(4.) Any sanitary authority or any conservancy board or other authority not being a local authority within the meaning of this Act may delegate to the local authority under this Act either permanently or temporarily and subject or not to conditions any powers vested in them under any Act of Parliament public or private in relation to the pollution of rivers.

17.—(1.) The Local Government Board, by provisional order made on the application of the council of any of the counties or county boroughs concerned, may constitute a joint committee or other body, representing all the administrative counties and county boroughs through or by which a stream, or any specified portion of a stream, or any tributary thereof, passes, and may confer on such committee or body all the powers of a local authority under this Act, or such of them as may be specified in the order; and the order may contain such provisions respecting the constitution and proceedings of the said committee or body as may seem proper, and may provide for the payment of the expenses of such committee or body by the administrative counties and county boroughs represented by it, and for the audit of the accounts of such committee or body, and their officers.

(2.) Sections two hundred and ninety-seven and two hundred and ninety-eight of the Public Health Act, 1875 (which relates to the making of provisional orders by the Local Government Board) shall apply, for the purposes of this section, as if they were herein re-enacted and in terms made applicable thereto.

18.—(1.) Every local authority shall, subject to the restrictions in this Act contained, have power to enforce the provisions of this Act in relation to any stream being within or passing through or by any part of their district, and for that purpose to institute proceedings in respect of any offence against this Act affecting their district, whether such offence is committed within or without their district.

Constitution of a joint committee.
51 & 52 Vict. c.41. s.14 (3).

Power of local authority, &c. to enforce Act.
39 & 40 Vict. c. 75. s. 8.
51 & 52 Vict. c. 41. s. 14. (2).

A.D. 1895.

(2.) Proceedings may also, subject to the restrictions in this Act contained, be instituted in respect of any offence against this Act by any person aggrieved by the commission of such offence.

(3.) Any local authority shall have power to contribute towards the cost of any prosecution under this Act instituted by any other local authority.

Power of
entry.
Mersey and
Irwell Act,
s. 10.

19. For the better enforcement of the provisions of this Act it shall be lawful for any officer of or other person authorised by a local authority, to enter at any reasonable time on any land, manufactory, or other work or building, for the purpose of taking and 10 carrying away and to take and carry away samples of any effluent at the point where it passes into any stream. Such officer or person shall leave under seal a duplicate of every sample taken by him with the owner or occupier of the premises whence the effluent flows.

15

Any person who obstructs or molests any such officer or other person shall be liable to a penalty not exceeding *five pounds*.

Expenses of
local
authority.

20. The expenses incurred by a local authority in the execution of this Act shall be payable as follows:—

- (a.) In the case of a sanitary authority, as general expenses 20 incurred in the execution of the Public Health Acts;
- (b.) In the case of a county council, as expenses incurred in the execution of the Local Government Act, 1888;
- (c.) In the case of a joint committee or other representative body, in manner directed by the order or Act constituting such 25 committee or body:

Provided that the Local Government Board may, wherever they think the circumstances of the case make it just so to do, direct, either by a provisional order made under this Act or by an order issued on the application of a county council, that 30 any of the expenses incurred by a county council or joint committee in the execution of this Act shall be payable as "special expenses" within the meaning of section sixty-eight of the Local Government Act, 1888, and be leviable on the sanitary districts or parishes mentioned in the order.

51 & 52 Vict.
c. 41. s. 68.

35

Application
of penalties.
See Mersey
and Irwell
Act, s. 9 (2).

21. All penalties recovered under this Act by a local authority shall be carried to the credit of the fund out of which the expenses incurred by such authority in the execution of this Act are directed to be paid.

A.D. 1895.

Miscellaneous.

22. Notwithstanding anything in this Act contained no person shall be deemed to have committed an offence against this Act or be liable to any proceeding under this Act by reason or in consequence
 5 of any water flowing into a stream in the same condition as that in which such water has been drained or raised from any mine, pit, shaft, or quarry, or by reason or in consequence of any water flowing into a stream from any colliery or pit bank, or by reason or in consequence of any water so flowing which has passed through
 10 an efficient settling tank in connexion with any coal washing machinery.

Saving as to water flowing from mines and collieries. Mersey and Irwell Act, s. 15.

23. All offences under this Act shall be deemed to be within the Act of 40 Vict. c. 14., intituled "An Act for the Amendment of the Law of Evidence in certain cases of Misdemeanor."

Defendant, &c. may be witness.

15 24.—(1.) The powers conferred by this Act for enforcing the punishment of offences shall not be deemed to prejudice or affect any other rights or powers of a like nature vested in any person or persons by Act of Parliament, law or custom, and such other rights or powers may be exercised in the same manner as if this Act had
 20 not passed; and nothing in this Act shall legalise any act or default which would but for this Act be deemed to be a nuisance or otherwise contrary to law.

Powers of Act cumulative. 39 & 40 Vict. c. 75. s. 16.

(2.) Any local authority under this Act may take for the purposes of this Act any proceedings at common law and otherwise for the
 25 suppression of a nuisance.

25. This Act shall not apply to or affect the lawful exercise of any rights of impounding or diverting water.

Saving of rights of impounding and diverting water. 39 & 40 Vict. c. 75. s. 17.

26. Nothing in or done under this Act shall extend to, interfere with, take away, abridge, or prejudicially affect any right, power,
 30 authority, jurisdiction, or privilege given by the Thames Conservancy Acts, 1857 and 1864, or by the Thames Navigation Act, 1866, or by the Lee Conservancy Act, 1868, or any Act or Acts extending or amending the said Acts or either of them, or affect any outfall or other works of the London County Council (although
 35 outside the county of London) executed under the Metropolis Management Act, 1855, and the Acts amending or extending the same, or extend to; interfere with, take away, abridge, or prejudicially affect any right, power, authority, jurisdiction, or privilege

Saving of certain Conservancy Acts. 39 & 40 Vict. c. 75. Mersey and Irwell Act, 1892, and West Riding Rivers Act, 1894.

A.D. 1895. of the London County Council, or any right, power, authority, jurisdiction, or privilege of the Joint Committee, Rivers Board, or other authority appointed under the Mersey and Irwell Joint Committee Act, 1892, or the West Riding of Yorkshire Rivers Act, 1894. 5

Power of Lee Conservancy Board to enforce Act. 27. The Conservancy Board constituted under the Lee Conservancy Act, 1868, shall, within the area of their jurisdiction, have the powers for enforcing the provisions of this Act which local authorities have under this Act. 39 & 40 Vict. c. 75. s. 9.

The said Conservancy Board may also enforce the provisions 10 of the Lee Conservancy Act, 1868, under the head or division "Protection of Water," by application to the court having jurisdiction in the place in which any offence is committed against those provisions, and such court may by order require any person to abstain 15 from the commission of any such offence, and the provisions of this Act with respect to orders of courts and appeal therefrom shall apply accordingly.

Saving of works of certain local authorities. 28. Where any local authority or any urban or rural sanitary authority has been empowered or required by any Act of Parliament to carry any sewage into the sea or any tidal waters, nothing done 20 by such authority in pursuance of such enactment shall be deemed to be an offence against this Act. 39 & 40 Vict. c. 75. s. 19.

Definitions. 29. In this Act, if not inconsistent with the context, the following expressions have the meanings herein-after respectively 25 assigned to them, that is to say :

"Person" includes any local authority and any other body of persons, whether corporate or unincorporate;

"Stream" includes the sea to such extent, and tidal waters to such point as may, after local inquiry and on sanitary grounds, have been or may hereafter be determined by the 30 Local Government Board, by order published in the London Gazette. Save as aforesaid, it includes rivers, streams, canals, lakes, and watercourses, other than watercourses at the passing of this Act mainly used as sewers, and emptying directly into the sea, or tidal waters which have 35 not been determined to be streams within the meaning of this Act by such order as aforesaid;

"Solid matter" shall not include particles of matter in suspension in water;

"Polluting" shall not include innocuous discolouration; 40

“Sanitary authority” means—

A.D. 1895.

(a) within the administrative county of London, any local authority acting in the execution of the Public Health (London) Act, 1891; 51 & 52 Vict. c. 76.

5 (b) elsewhere in England, any urban or rural sanitary authority acting in the execution of the Public Health Act, 1875;

“County council” means the council of an administrative county established under the Local Government Act, 1888,

10 and includes the council of a county borough.

30. The enactments set forth in the schedule to this Act are hereby repealed to the extent mentioned in such schedule. Repeal.
Provided that—

15 (i) any enactment or order referring to any Act or enactment hereby repealed shall be construed to refer to this Act, or to the corresponding enactment in this Act;

(ii) this repeal shall not affect—

20 (a) the past operation of any enactment hereby repealed, nor anything duly done or suffered under any enactment hereby repealed; or

(b) any right acquired or liability incurred under any such enactment; or

(c) any penalty incurred in respect of any offence committed against any such enactment; or

25 (d) any inquiry or legal proceeding now pending in respect of any such right, liability, or penalty as aforesaid; and any such inquiry and legal proceeding may be carried on as if this Act had not passed.

A.D. 1895.

SCHEDULE.

Enactments repealed.	Extent of Repeal.
39 & 40 Vict. c. 75. - - -	The whole Act as regards any sanitary authority which is a local authority under this Act.
51 & 52 Vict. c. 41. - - -	Section 14.
56 & 57 Vict. c. 31. - - -	The whole Act as regards England.

5

Rivers Pollution Prevention.

A

B I L L

To make more effectual provision for Prevention of the Pollution of Rivers and Streams.

(Prepared and brought in by
Sir Francis Powell, Mr. Henry Hobhouse,
Sir John Dorington, Mr. Kenrick, Sir John Barran,
Sir Henry Howorth, and Dr. Farquharson.)

Ordered, by The House of Commons, to be Printed,
8 February 1895.

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96, West Nile Street, Glasgow; or
HODGES, Figgis, & Co., Limited, 104, Grafton Street, Dublin.
[Price 2d.]

[Bill 39.]

A

B I L L

TO

Authorise County Councils to frame Byelaws for regulating
Advertising Display in Rural Localities. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 **1.** The power of a county council to make byelaws conferred by section sixteen of the Local Government Act, 1888, shall, subject to the provisions of that section, extend to byelaws :
- 10 (a.) For regulating or prohibiting the erection or placing of advertisements in or upon any arable or pasture land, woodland, garden, public park, common, or waste land, foreshore, or any inland or tidal water.
- 15 (b.) For enforcing the removal of advertisements erected or placed in contravention of the byelaws.
- (c.) For enforcing the removal, within a prescribed time, not being less than *one year* after the byelaws come into operation, of any advertisements erected or placed before the making of the byelaws in such a manner as would be in contravention of the byelaws, if the same had been previously made.
- 20 **2.** Nothing in any byelaw to be made under this Act shall affect any advertisement erected or placed either before or after the *passing of this Act*, upon any premises, and relating solely to any trade, business, or business transaction carried on, or proposed to be carried on, or any entertainment or meeting held or to be held, upon or in relation to the said premises or to any property thereon.
- 25 **3.** This Act shall not apply to or have any effect in the administrative County of London or in any borough.
- 4.** This Act may be cited as the Local Government (Advertisements) Act, 1895.

Power of
County
Councils to
make bye-
laws as to
advertise-
ments.

51 & 52 Vict.
c. 41.

Exemption
of advertise-
ments
relating
solely to the
premises.

Extent of
Act.

Short title.

[Bill 309.]

Rural Advertisements.

A

B I L L

To authorise County Councils to frame
Byelaws for regulating Advertising
Display in Rural Localities.

(Prepared and brought in by
Mr. Boulnois, Sir Edward Clarke, Mr. Cairne,
Mr. Darling, Mr. Arnold-Forster,
Sir Henry Roscoe, Mr. Wyndham, and
Mr. Webb.)

Ordered, by The House of Commons, to be Printed,
11 June 1895.

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JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price ½d.*]

[Bill 309.]

Sale of Intoxicating Liquors Bill.

ARRANGEMENT OF CLAUSES.

PART I.—AMENDMENT OF LICENSING LAW.

Establishment of Licensing Boards.

Clause.

1. Establishment of licensing boards.
2. Transfer of licensing power to licensing board.

New Forms of Licences.

3. New form of licence.
4. Special provisions as to on-licences.
5. Special provisions as to off-licences.

Local Veto.

6. Local veto after first five years.
7. Division of parish for purpose of local veto.

Regulation of Number of Licences.

8. Restriction on grant of new licences.
9. Reduction of number of licences to specified proportion of licences to population.
10. Proportion of licences to population.
11. Payment in respect of extinguished licences.
12. Rate for defraying payments under Act.

Special Provisions for Railways, Hotels, and Clubs.

13. Special railway refreshment rooms and hotel licences.
14. Registration of clubs.

Sunday Closing and Limiting Hours of Closing.

15. Discretion of licensing board as to hours of opening and closing.

[Bill 164.]

Inspectors, Fees and Expenses.

Clause.

16. Inspectors of licensed premises.
 17. Expenses and fees.
 18. Accounts and audit.
-

PART II.—CONSTITUTION OF LICENSING BOARDS.

Proceedings of Licensing Boards.

19. Incorporation and business of a licensing board.

Election of Licensing Boards.

20. One election.
21. Title to vote.
22. Day of election.
23. Returning officer at election.
24. Notice of election.
25. Nomination of candidates.
26. Relation of nomination to election.
27. Publication of uncontested election.
28. Mode of conducting poll at contested election.
29. Questions which may be put to voters.
30. Omission to hold election, or election void.
31. Non-compliance with Act.
32. Corrupt practices, election petitions, &c.
33. Election valid unless questioned within twelve months.
34. Offences in relation to nomination papers.
35. Refusal to conduct election.
36. Lists of persons entitled to vote for licensing boards.
37. Casual vacancy.
38. Expenses of elections.

Appointed Members.

39. Provisions as to appointed members.
 40. First appointed members.
-

PART III.—SUPPLEMENTAL.

Clause.

41. First election.
42. Powers of Local Government Board with reference to first elections and polls.
43. Parish situate partly in one licensing district, partly in another.
44. Computation of time.
45. Combination of districts.
46. Application of Act in London.
47. Definitions.
48. Commencement of Act.
49. Extent of Act and saving.
50. Short title.

SCHEDULES.

A

B I L L

TO

Amend the Law relating to the Sale of Intoxicating
Liquors.

A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

5 PART I.—AMENDMENTS OF LICENSING LAW.

Establishment of Licensing Boards.

1.—(1.) There shall be established a licensing board for every licensing district, or where any licensing districts are combined under this Act for that combination of districts. Establishment of licensing boards.

10 (2.) The board shall consist of elected members, and of ex-officio members.

(3.) The elected members of the board shall be elected in accordance with the provisions of this Act by the persons enrolled or registered on the Local Government Register.

15 (4.) The ex-officio members of the board shall be appointed by the licensing justices of the district out of their number.

(5.) The number of the elected members in each district shall be such number, not less than seven, or more than twelve, as may be fixed where the district is a borough, by the council of that borough, and in any other case by the council of the county in which the district is situate, and the number of appointed members shall not exceed one half the number of the elected members.

20 (6.) The elected members shall be elected, and the appointed members appointed, for a term of *three years*, and they shall then retire together, and their places shall be filled by a new election and appointment.

[Bill 164.]

A

A.D. 1895.

(8.) A person shall be qualified to be an elected member of the licensing board if he is resident in the licensing district.

Transfer of
licensing
power to
licensing
board.

2.—(1.) All the powers and duties with respect to licences for the sale of intoxicating liquor which are now vested in the licensing justices, shall on the establishment of licensing boards be transferred to those boards, and shall be exercised and performed by those boards accordingly.

(2.) In the exercise of these powers and in the performance of these duties the licensing boards shall, except as otherwise provided by this Act, be subject to the same right of appeal, and generally to the same provisions to which the licensing justices are subject.

New Forms of Licences.

New forms
of licences.

3.—(1.) Licences may be granted under this Act authorising the sale by retail of intoxicating liquor—

- (i.) For consumption on and off the premises (herein-after called on-licences);
- (ii.) For consumption off the premises (herein-after called off-licences).

(2.) The licences or certificates heretofore granted by justices of the peace in relation to the sale of intoxicating liquor shall cease to be granted, and any reference to any such licence in any Act of Parliament or other document shall, unless the contrary intention appears, be construed to be a reference to the corresponding licence under this Act.

(3.) Licences granted under this Act and licences heretofore granted by justices of the peace shall be deemed to correspond with one another, as follows:—

- (i.) An on-licence shall be deemed to correspond with the licences or certificates set out in the first part of the First Schedule to this Act;
- (ii.) An off-licence shall be deemed to correspond to the licences or certificates set out in the second part of the First Schedule to this Act.

(4.) Subject to the provisions of this Act the holder of an on-licence shall have all the rights and privileges and all the obligations of, and shall be subject to the same penalties and liabilities as, the holder of any of the licences or certificates, heretofore

granted by justices, with which an on-licence corresponds, and the holder of an off-licence shall similarly have all the rights and privileges and all the obligations of, and shall be subject to the same penalties and liabilities as, the holder of any of the licences or certificates, heretofore granted by justices, with which an off-licence corresponds. A.D. 1895.

4. With respect to the grant, renewal, and transfer of on-licences—

Special provisions as to on-licences.

(i.) The licensing board shall have the same discretion in every case as the licensing justices now have in the case of a certificate or licence for the sale of beer and cider on the premises, which was not in force on the first of May one thousand eight hundred and sixty-nine :

(ii.) The same qualifications and disqualifications shall apply, both as respects premises and as respects persons, as in the case of the said certificate or licence for the sale of beer and cider on the premises.

Subject, nevertheless, as follows :—

(a.) The premises, if situated within the administrative county of London or within the limits of any urban sanitary district containing a population, according to the last published census for the time being, of not less than one hundred thousand inhabitants, shall not be of a less annual value, within the meaning of the Licensing Acts, 1872–1874, than *fifty pounds*.

(b.) The premises, if situated elsewhere, shall not be of a less like annual value than *thirty pounds*.

5. With respect to the grant, renewal, and transfer of off-licences—

Special provisions as to off-licences.

(i.) The licensing board shall have the same discretion in every case as the licensing justices now have in the case of a certificate or licence for the sale of beer and cider off the premises :

(ii.) The same qualifications and disqualifications shall apply, both as respects premises and as respects persons, as in the case of the said certificate or licence for the sale of beer and cider off the premises.

Subject, nevertheless, as follows :—

(a.) The premises, if situated within the administrative county of London or within the limits of any urban sanitary district containing a population, according to the last published census for the time being, of not less than one hundred thousand inhabitants, shall not be of a less annual value, within the meaning of the Licensing Acts, 1872–1874, than *forty pounds* ;

(b.) The premises, if situated elsewhere, shall not be of a less like annual value than *twenty pounds*.

A.D. 1895.

*Local Veto.*Local veto
after first
five years.

6.—(1.) *Five years* after the commencement of this Act and, if a poll has not been taken in any area under this section, at any time subsequent thereto, any ten ratepayers in any of the following areas, namely:—

5

- (i.) a borough not divided into wards;
- (ii.) any ward of a borough divided into wards; and
- (iii.) any parish not situate in a borough;

may make a requisition to the mayor in the case of a borough or ward of a borough, or to the overseers in the case of a parish as 10 aforesaid, to take a poll for or against the adoption of a resolution prohibiting the grant of on-licences and off-licences in the area for which the poll is taken.

(3.) When a poll has been taken in any area under this section, no further poll shall be taken for at least *three years*, but, subject 15 to that provision, after a poll has once been taken under this section in any area, any number of ratepayers not less than one-tenth of all the ratepayers in that area may make a requisition to the officers before mentioned in this section to take a poll,—

- (i.) for or against the adoption of a resolution prohibiting the 20 grant of on-licences and off-licences in the area if no such resolution is in force;
- (ii.) for or against the rescission of any such resolution, if in force in the area.

(4.) If on a poll in any such area the resolution as aforesaid is 25 adopted no on-licence and no off-licence shall be granted in that area while the resolution is in force, provided that any licence in force at the time of the adoption of the resolution shall remain in force until the time when it would have expired if the resolution had not been passed.

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(5.) If on a poll in any such area a resolution as aforesaid is rescinded, the licensing board shall have the same powers of granting on-licences and off-licences as they would have had if the resolution had not been adopted.

(6.) A resolution shall not be deemed to be adopted under this 35 section unless at least two-thirds of the persons voting at the poll vote for the adoption, but a resolution shall be rescinded under this section if a majority of the persons voting at the poll vote for the rescission.

(7.) A poll under this section shall be taken in manner provided 40 by the rules set out in the Second Schedule to this Act.

(8.) Nothing in this section contained shall affect the sale of methylated spirits for use in the arts or manufactures under any statute permitting such sale, and, although a resolution is in force in any area, intoxicating liquors may still be sold for medicinal purposes, under such conditions as the licensing board may direct.

A.D. 1895.

7.—(1.) Any ten ratepayers in a parish not situate in a borough may present a petition to the county council of the county in which the parish is situate for the division of their parish in manner set out in the petition into separate areas for the purpose of taking a poll under the last preceding section.

Division of
parish for
purpose of
local veto.

(2.) Within *two weeks* of the presentation of a petition under this section, public notice of the presentation of the petition, and of the terms thereof, shall be given by the petitioners by posting the same in conspicuous places in the parish to which the petition relates, and by advertising the same in some local newspaper circulating in the parish.

(3.) Not less than *one month* after the presentation of a petition under this section, the county council shall take the petition into consideration, and shall also take into consideration any memorial from any person which may be sent to them in reference to the petition, and if satisfied on such consideration that the parish should be divided in manner mentioned in the petition shall make an order for the division of the parish in that manner.

(4.) Where an order is so made for the division of a parish a poll may be taken for each part of the parish so divided as if such part were a separate parish, the persons enrolled or registered in respect of qualifications in such part being alone entitled to vote thereat, and the overseers of the whole parish shall for the purpose of such poll be considered the overseers of each part of the parish so divided.

(5.) Any order of the county council for the division of a parish under this section may be rescinded on a petition presented in like manner and subject to the same provisions as a petition for the division of a parish under this section.

(6.) The making or rescission of an order under this section shall not enable a poll to be taken in any parish or part of a parish in respect of which the order is made or rescinded, at any time at which a poll could not have been taken if the order had not been made or rescinded.

A.D. 1895. *Regulation of Number of Licences where no Resolution prohibiting the grant of Licences is in force.*

Restriction
on grant of
new licences.

8.—(1.) The licensing board shall not grant a new licence unless the total number of licences is less in their district than the proportion of licences to population fixed by this Act. 5

(2.) If the total number is less than the proportion the board may grant the new licence, but only in cases where either—

(a) the applicant for the new licence is at the time of his application the holder of a similar licence in respect of other premises in the same district for the renewal of which he does not apply; or

(b) the board by a resolution passed by a two-thirds majority declare that by reason of increase in population or other circumstances stated in the resolution the grant of a new licence is expedient. 15

35 & 36 Vict.
c. 94.

(3.) Licences by way of removal shall not be granted except by means of the grant of new licences, and section fifty of the Licensing Act, 1872, is hereby repealed.

(4.) The grant of a new licence by the board shall not be subject to confirmation by any authority. 20

Reduction of
number of
licences to
specified
proportion of
licences to
population.

9.—(1.) If at any time a licensing board find that the total number of licences in their district, or, if their district is partly urban and partly rural in character, in the urban or rural part, exceeds in that district or part of a district the proportion of licences to population fixed by this Act, the board shall take steps to reduce the excess, and for that purpose shall refuse to renew such number of licences as is equal to the excess. 25

(2.) The board in selecting the licences, the renewal of which is to be refused for the purpose of the reduction of the number thereof under this section, shall have regard to the wants of the neighbourhood and to the character of the licensed premises and of the holder of the licence, but shall not be required to give any reasons for any such refusal. 30

Proportion
of licences to
population.

10.—(1.) The proportion of licences to population for the purposes of this Act shall be as follows:— 35

(a.) In licensing districts which are boroughs or urban in character and in any parts of licensing districts which are urban in character, the proportion shall be one for every one thousand of population;

(b.) In licensing districts which are rural in character and in any parts of licensing districts which are rural in character, the proportion shall be one for every five hundred of population. A.D. 1895.

(2.) Parts of licensing districts shall for the purposes of this section be considered urban or rural in character, according as they are situate in an urban or in a rural sanitary district.

(3.) The licensing board shall calculate the population of their district according to the last published census for the time being, or in any year more than *three years* after the making of the last census, according to any special enumeration made by them, and where their district is partly urban and partly rural in character shall calculate separately the population of the urban part and the population of the rural part.

(4.) Where in any part of a district a resolution is in force prohibiting the grant of licences, that part of the district shall not be reckoned in calculating the proportion of licences to population.

11.—(1.) When at the first annual general licensing after the commencement of this Act, but not on any subsequent occasion, a licensing board shall refuse to renew a licence for the purpose of reducing the number of licences to the proportion of licences to population fixed under this Act, the value of that licence shall be paid to the person holding it by the council of the county in which the licensed premises were situate out of the rate on licensed premises authorised by this Act. Payments in respect of extinguished licences.

(2.) The value of the licence shall be taken to be the amount by which the value of the premises in respect of which the licence was held exceeds, if used as licensed premises, their value if not so used; and that amount, if not settled by agreement between the county council and the licence holder, shall be determined by the arbitration of two arbitrators and an umpire, under the Arbitration Act, 1889. 52 & 53 Vict. c. 49.

(3.) Any sum due under this section to a licence holder shall be paid to him by the county council by means of an annuity for *ten years* dating from the time when the distribution is finally settled, and calculated at such an amount as will in that time pay him the sum due with interest at the rate of per centum per annum, and any sums becoming due on account of the annuity may be recovered as a debt from the county council.

(4.) When an annuity is payable under this section in respect of the value of a licence, and a resolution prohibiting the grant of licences comes into force in the area in which the premises in respect of which the licence was held were situate, the annuity shall from the date on which the resolution comes into force cease

A.D. 1895. — to be payable, and no sum shall be recoverable from the county council on account of that annuity unless it became due before that date.

Rate for
defraying
payments
under Act.

12.—(1.) The expenses incurred by the county council for payments on account of annuities payable under this Act shall be 5 defrayed by them by means of a rate assessed and levied on all licensed premises in the county, including railway refreshment rooms, hotels and clubs registered as herein-after mentioned, according to a valuation of them determined by the amount received in respect of the sale of intoxicating liquor in the premises during 10 the past year: Provided that no premises shall be liable to such rate which are not situate within one mile of—

(a) any premises the licence of which has not been renewed under this Act, and in respect of which an annuity is for the time being payable by reason of that non-renewal: 15

(b) any area in which a resolution is for the time being in force prohibiting the grant of licences.

Provided also that the licensing board of the district in which any licensed premises are situate shall have power to declare them to be rateable, though not within the distance of one mile as 20 aforesaid, if such board shall consider that by reason of their being on the same main road or otherwise they will derive additional custom from the non-renewal of any licences under this Act, or from any resolution being in force prohibiting the grant of licences.

25 (2.) The managers of any club registered as herein-after mentioned and liable to be rated under this section, and the holder of the licence of any licensed premises liable to be rated under this section, shall, at such times and in such form as the county council may require, send to the county council a return of the amount of 30 all intoxicating liquor sold by them or him during the year ending on the *thirty-first day of December* then last past, and of the amount received in respect of that sale, distinguishing those amounts for each different kind of intoxicating liquor sold; and the total amount which appears from that return to have been received 35 during the year by the sale of intoxicating liquor shall, subject to the provisions of this Act, be taken to be the valuation of the premises for the purpose of the rate under this section. Every person who shall not have duly made such return as hereby required from him shall be guilty of an offence continuing until such return 40 has been made, and at any time or times during the continuance of such offence shall be liable on summary conviction to a fine not exceeding *five pounds*.

A.D. 1895.

(3.) The county council or the holder of a licence for premises which are liable to be rated under this Act in the county may appeal against the valuation to the court of quarter sessions in the same manner and subject to the same provisions as in the case of
 5 an appeal to a court of quarter sessions from an order of a court of summary jurisdiction, and the court before which the appeal is tried may alter the valuation, and if they consider that a false return has been made, may impose a fine on the person making the return not exceeding *one hundred pounds*.

10 (4.) All returns made by the holder of a licence under this section may be inspected at all reasonable hours by any officer of a licensing board in the county, or by any holder of a licence for premises which are liable to be rated under the Act in the county.

(5.) The Commissioners of Inland Revenue shall, for the purpose
 15 of enabling the county council to verify the returns made by the holders of licences under this Act, give to the county council full information with reference to the sale or removal of any intoxicating liquors in the county, and shall allow them to inspect at all reasonable hours any documents under the control of the commis-
 20 sioners relating to any such sale or removal.

(6.) The person liable to pay the rate under this Act shall be the holder of the licence for the premises to be rated, and the rate may be levied and collected and the recovery thereof enforced in the same manner as in the case of county rate.

25 *Special Provisions for Railways, Hotels, and Clubs.*

13.—(1.) The licensing board may at their discretion grant special licences for the sale of intoxicating liquor on premises intended to be used—

Special
 railway
 refreshment
 rooms and
 hotellicences.

(a) as railway refreshment rooms, for persons arriving or
 30 departing by railway;

(b) as hotels, that is to say, for the reception of travellers or persons sojourning therein.

(2.) The licensing board may attach such conditions to the grant of special licences under this section as they think necessary for the
 35 purpose of preventing the use of the premises in respect of which the licence is granted for any other purpose than that for which they are so intended to be used; and if any person commits or permits any breach of these conditions, he shall be liable on summary conviction before a court of summary jurisdiction to a
 40 fine not exceeding *fifty pounds*, and the court before whom he is

A.D. 1895. convicted may, if he is the person who holds the special licence, order the licence to be forfeited.

(3.) The provisions of the Acts relating to licensing and of this Act as to the time and procedure for granting licences and the duration of licences shall apply to special licences granted under this section; but the provisions of this Act as to the grant of new licences, the reduction of the number of licences, and local veto, shall not apply to such special licences, nor shall any such special licences be reckoned in calculating the proportion of licences to population under this Act. 5 10

(4.) Nothing contained in this or any other Act shall prevent a person from holding an on-licence or an off-licence in respect of any premises adjoining those in respect of which he holds a special licence under this section.

(5.) The licensing board shall have free and unqualified discretion as to the renewal of a special licence under this section. 15

Registration
of clubs.

14.—(1.) The provisions of section three of the Licensing Act, 1872, with regard to the prohibition of the sale of intoxicating liquor by retail without a licence, shall extend to the sale of intoxicating liquor in any club, unless the club is registered under this Act. 20

(2.) Every licensing board shall keep a register for the purpose of the registration of clubs within their district.

(3.) The licensing board, on the application of the managers of any club within their district, shall, if they are satisfied that the following conditions of registration are complied with in the case of the club, namely— 25

(i.) that the club is a bonâ fide club used only for social purposes, and

(ii.) that any member elected to the club after the passing of this Act will, under the regulations of the club, be required to pay in addition to his annual subscription an entrance fee of at least *one pound*; 30

enter the name of that club in the register kept by them under this section, and that club shall, for the purposes of this section, be deemed to be registered. 35

(4.) The licensing board may charge such fees on the registration of clubs, and such annual fees to registered clubs, as they may fix on a scale graduated according to the subscriptions paid by the members of the club, provided that the maximum fee shall not exceed *twenty pounds*, and that the scale of fees in each licensing district shall be sanctioned by the Local Government Board. 40

(5.) Intoxicating liquor shall not be sold in a club otherwise than to members, and intoxicating liquor so sold shall be sold only for consumption on the club premises, and shall not be removed from those premises. A.D. 1895.

5 (6.) If the licensing board are satisfied in the case of any registered club, either on the application of any person or otherwise, that—

(i.) the club has ceased to exist; or

10 (ii.) the conditions of registration are at any time no longer complied with; or

(iii.) there has been any contravention of the provisions of this section with respect to the use of intoxicating liquor in the club; or

15 (iv.) undue drinking is habitual in the club, or the club is used mainly for the purpose of drinking;

they may remove the name of the club from the register, and the club shall on that removal cease to be a registered club.

(7.) Before the removal of the name of a registered club from the register, the licensing board shall give at least *fourteen* clear days
20 notice to the managers of the club and shall afford them an opportunity of being heard by the board against the removal.

(8.) If a licensing board decide—

(i.) to refuse to register any club under this section; or

25 (ii.) to remove the name of any club from the register under this section;

any member of the club may appeal to the county council of the county in which the club is situate against the decision of the licensing board, and the county council may either affirm or reverse the decision of the licensing board, and if the decision of the
30 licensing board is reversed that board shall either enter or re-enter the name of the club on the register.

(9.) Notice of any appeal to the county council under this section shall be given to the clerk of the licensing board and of the county council within *fourteen days* after the decision of the licensing
35 board.

(10.) The decision of the licensing board or, in case of appeal, of the county council shall be final on the question of whether a club is or is not a *bonâ fide* club used only for social purposes.

Sunday Closing and Limiting Hours of Closing.

40 15.—(1.) The licensing board may, on the grant of a new licence or on the renewal or transfer of a licence, insert in the licence Discretion of
licensing
board as to

[164.]

B 2

A.D. 1895.

hours of
opening and
closing.

a condition that on week days the premises shall close at *ten p.m.* and that on some one day of the week other than Sunday the premises shall be closed at some hour in the evening not being earlier than *eight o'clock*, and if no general Sunday Closing Act shall be in operation for the locality they may also insert a similar condition as to Sunday, or a condition that the premises shall be closed during the whole of Sunday.

(2.) If any person, during the time at which any premises are directed to be closed in pursuance of any condition inserted in the license under the powers contained in this section, sells or exposes for sale in such premises any intoxicating liquor, or opens or keeps open such premises for the sale of intoxicating liquor, or allows any intoxicating liquor although purchased before the hours of closing to be consumed in such premises; he shall for the first offence be liable to a penalty not exceeding *ten pounds* and for any subsequent offence to a penalty not exceeding *twenty pounds*.

Inspectors, Fees and Expenses.

Inspectors of
licensed
premises.

16.—(1.) A licensing board may appoint, pay, and remove at their discretion inspectors of licensed premises, and may assign to those inspectors the duty of inspecting licensed premises in their district, and such other duties as the board may think expedient for the assistance of the board in the exercise of their powers.

(2.) The number and the remuneration of inspectors of licensed premises appointed by a licensing board shall be subject to the approval of the council of the county in which the licensing district is situate.

(3.) An inspector of licensed premises appointed under this section may in the performance of his duties enter any part of any licensed premises in the district, on the production of an authority from the licensing board or of a certificate of his appointment as inspector under the seal of the board, at any time when those premises are open for the sale of any intoxicating liquor.

(4.) If any person refuses to allow an inspector of licensed premises to enter on any part of any licensed premises in accordance with this Act, or impedes or obstructs any such inspector in the performance of any duty assigned to him by the licensing board, that person shall for each offence be liable on summary conviction to a fine not exceeding *five pounds*.

Expenses
and fees.

17.—(1.) All expenses incurred by the licensing board in the performance of their duties under this Act shall (subject to the provisions of this Act as to the payments to be made by the county

council out of the rate on licensed premises) be defrayed by the county council out of the county rate. A.D. 1895.

(2.) The licensing board may charge such fees, not exceeding in each case *ten shillings*, for the grant, renewal, or transfer of a licence under this Act as they think fit, and any fees payable for the grant, renewal, or transfer of any licence to which the licences under this Act correspond shall cease to be payable.

(3.) Any fees received by the clerk of the licensing board or by the licensing board shall be applied by the licensing board in the payment of their expenses under this Act, and so far as not required for that purpose shall be paid to the county fund.

18. The licensing board shall keep separate accounts of their receipts and expenditure, and those accounts shall be audited in like manner and with the like power to the officer auditing the same, and with the like incidents and consequences, as shall for the time being be provided by law in the case of the accounts of an urban sanitary authority not being the council of a borough. Accounts and audit.

PART II.—CONSTITUTION OF LICENSING BOARDS.

Proceedings of Licensing Boards.

20 19.—(1.) The licensing board of every district shall be a body incorporate by the name of the licensing board of the district for which it is elected, and shall have perpetual succession and a common seal, and power to acquire and hold land for the purposes of this Act without license in mortmain. Incorporation and business of a licensing board.

25 (2.) A licensing board shall provide and maintain within their district such offices as may be suitable for transacting their business under this Act.

(3.) A licensing board shall appoint and pay a fit person to be clerk of the licensing board, and may appoint and pay such other officers as may be necessary for the transaction of their business.

(4.) A licensing board shall meet at such times as may be required by the enactments relating to the licensing business transferred to them under this Act, and also at such other times as may be necessary for properly executing their powers and duties under this Act.

(5.) The meetings of the licensing board, and the proceedings thereat, shall be conducted in accordance with the rules as to meetings and proceedings contained in the third schedule to this Act.

A.D. 1895.

(6.) The clerk of the licensing board shall perform such duties with respect to the licensing business transferred under this Act to the licensing board as were previously performed by the clerk to the licensing justices, and such other duties in addition as the licensing board may direct.

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(7.) An act or proceeding of a licensing board shall not be questioned on account of any vacancy in their body, or on account of any defect in the election, appointment, or qualification of any of the members of the board.

(8.) A licensing board shall cause minutes to be kept of their proceedings at any meeting, and these minutes shall be signed by the chairman of the meeting or of the next ensuing meeting. A minute purporting to be so signed shall be received in evidence.

10

Election of Licensing Boards.

One election.

20. There shall be one election of members of a licensing board for the whole licensing district.

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Title to vote.

21.—(1.) At an election of members of a licensing board a person shall be entitled to subscribe a nomination paper, and to demand and receive a voting paper, and to vote, if he is enrolled or registered on the Local Government register, and is entitled to vote in the district, and not otherwise.

20

(2.) The persons entitled to vote for the licensing board in the district shall be those persons who are enrolled or registered on the Local Government register in respect of property situate in that district.

25

(3.) Nothing in this section shall entitle any person to do any act therein mentioned who is prohibited by law from doing it, or relieve him from any penalty to which he may be liable for doing it.

Day of election.

22. The ordinary day of election of members of a licensing board shall be such day as may be fixed by the Local Government Board for the first election of members of a licensing board.

30

Returning officer at election.

23. At an election of members of a licensing board the returning officer shall be such person as the Local Government Board may appoint.

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Notice of election.

24. *Nine days* at least before the day for the election the clerk of the licensing board shall prepare and sign a notice thereof, and publish it by fixing it on the office of the licensing board, and in some conspicuous place in each parish situate in the licensing district.

40

25. The nomination of candidates for the office of member of the licensing board shall be conducted in accordance with the rules in the Fourth Schedule to this Act.

A.D. 1895.

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Nomination
of candidates.

26.—(1.) If the number of valid nominations exceeds that of the vacancies, members of the licensing board shall be elected from among the persons nominated.

Relation of
nomination
to election.

(2.) If the number of valid nominations is the same as that of the vacancies, the persons nominated shall be deemed to be elected.

(3.) If the number of valid nominations is less than that of the vacancies, the persons nominated shall be deemed to be elected, and such of the retiring members as may be selected for that purpose by the Local Government Board shall be deemed to be re-elected to make up the required number.

(4.) If there is no valid nomination, the retiring members shall be deemed to be re-elected.

27. If an election of members of a licensing board is not contested, the returning officer shall publish a list of the persons elected not later than *eleven* o'clock in the morning on the day of election.

Publication
of uncon-
tested elec-
tion.

28.—(1.) If an election of members of a licensing board is contested, the poll shall, as far as circumstances admit, be conducted as the poll at a contested parliamentary election is by the Ballot Act, 1872, directed to be conducted, and, subject to the provisions of this Act, the provisions of the Ballot Act, 1872, relating to a poll at a parliamentary election (including the provisions relating to the duties of the returning officer after the close of the poll), shall apply to a poll at an election of members of a licensing board.

Mode of con-
ducting poll
at contested
election.
35 & 36 Vict.
c. 33.

(2.) Every person entitled to vote may vote for any number of candidates not exceeding the number of vacancies.

(3.) The poll shall commence at *eight* o'clock in the forenoon and close at *eight* o'clock in the afternoon of the same day.

(4.) But if one hour elapses during which no vote is tendered, and the returning officer has not received notice that any person has within that hour been prevented from coming to the poll by any riot, violence, or other unlawful means, the returning officer may, if he thinks fit, close the poll at any time before *eight* o'clock.

(5.) Where an equality of votes is found to exist between any candidates, and the addition of a vote would entitle any of those candidates to be declared elected, the returning officer, whether entitled or not to vote in the first instance, may give such additional vote by word of mouth or in writing.

A.D. 1895.

(6.) The provisions of the Ballot Act, 1872, with respect to the voting of a returning officer, the use of a room for taking a poll, and the right to vote of persons whose names are on the register of voters, and Rules 16 and 19 in the schedule to that Act, shall not apply in the case of an election of members of a licensing board. 5

(7.) The returning officer shall at least *four days* before the day of election give public notice of the situation, division, and allotment of polling places for taking the poll at the election, and of the description of the persons entitled to vote thereat and at the several polling stations. 10

(8.) The returning officer shall provide everything which in the case of a parliamentary election is required to be provided by the returning officer for the purpose of a poll, and shall appoint officers for taking the poll and counting the votes. 15

(9.) The returning officer shall furnish every polling station with such number of compartments in which the voters can mark their votes screened from observation and furnish each presiding officer with such number of ballot papers, as in the judgment of the returning officer may be necessary for effectually taking the poll at the election. 20

(10.) No return shall be made to the clerk of the Crown in Chancery.

(11.) Nothing in the Ballot Act, 1872, as applied by this Act, shall be deemed to authorize the appointment of any agents of a candidate at an election of members of a licensing board; but 25 if, in the case of such an election, an agent of a candidate is appointed, and notice in writing of the appointment is given to the returning officer, one clear day before the polling day, then the provisions of the Ballot Act, 1872, with respect to agents of candidates, shall, as far as regards that agent, apply in the case of that 30 election.

Questions
which may
be put to
voters.

29.—(1.) At an election of members of a licensing board, the presiding officer shall, if required by two persons qualified to vote, or by a candidate or his agent, put to any person offering to vote, at the time of his presenting himself to vote, but not afterwards, 35 the following questions, or either of them :

(a.) Are you the person enrolled [*or registered*] in the Local Government Register now in force for this district [*read the whole entry from the roll or register*] ?

(b.) Have you already voted at the present election ? 40

(2.) The vote of a person required to answer either of these questions shall not be received until he has answered it.

(3.) If any person wilfully makes a false answer thereto, he shall be guilty of a misdemeanour. A.D. 1895.

(4.) Save as by this Act authorised, no inquiry shall be permitted at an election as to the right of any person to vote.

5 **30.**—(1.) If an election of members of a licensing board is not held on the appointed day or within the appointed time, it may be held on the day next after that day or the expiration of that time. Omission to hold election, or election void.

 (2.) If an election of a licensing board is not held on the appointed day or within the appointed time, or on the day next
10 after that day or the expiration of that time, or becomes void, the board shall not thereby be dissolved, but the High Court may, on motion, grant a mandamus for the election to be held on a day appointed by the court.

 (3.) Thereupon public notice of the election shall, by such person
15 as the court directs, be fixed on the office of the licensing board, and shall be kept so fixed for at least *six days* before the day appointed for the election; and in all other respects the election shall be conducted as directed by this Act respecting ordinary elections.

20 **31.** An election shall not be invalidated by non-compliance with the provisions of this Act as to elections, if it appears to the court having cognisance of the question that the election was conducted in accordance with the principles laid down in this Act. Non-compliance with Act.

32.—(1.) For the purpose of preventing corrupt practices at
25 an election of members of a licensing board, and for the purpose of calling an election into question, the following enactments shall apply to an election of members of a licensing board as they apply to an election of a municipal corporation; namely, Corrupt practices, election petitions, &c.

 (a.) Part IV. of the Municipal Corporations Act, 1882 (relating
30 to corrupt practices and election petitions), and any enactment amending or extending the same;

 (b.) Section two hundred and twenty-five of the Municipal Corporations Act, 1882 (relating to quo warranto and mandamus); and

35 (c.) The Municipal Elections (Corrupt and Illegal Practices) Act, 1884, and any enactment amending or extending the same.

33. An election of members of a licensing board not called in question within *twelve months* after the election, either by election petition or by information in the nature of a quo warranto, shall be
40 deemed to have been to all intents a good and valid election. Election valid unless questioned within twelve months.

A.D. 1895.

Offences in
relation to
nomination
papers.

34.—(1.) If any person forges or fraudulently defaces or fraudulently destroys any nomination paper, or delivers to the returning officer any forged nomination paper, knowing it to be forged, he shall be guilty of a misdemeanour, and shall be liable to imprisonment for any term not exceeding *six months*, with or 5 without hard labour.

(2.) An attempt to commit any such offence shall be punishable as the offence is punishable.

Refusal to
conduct
election.

35. If a returning officer or clerk of a licensing board neglect or refuse to perform any duty in connection with elections imposed on 10 either of them by this Act, the officer or clerk offending shall for every such offence be liable to a fine not exceeding *one hundred pounds*, recoverable by action.

Lists of per-
sons entitled
to vote for
licensing
boards.

36.—(1.) The clerk of every licensing board shall make and keep a list of persons entitled to vote for the licensing board of the 15 district for which he is clerk.

(2.) For the purpose of making such lists the overseers of every parish situate in the district shall deliver to the clerk, when required, copies of the parish burgess lists, or of the parish lists of county electors, as the case may be, and shall also give the clerk, 20 in cases where it is necessary, such information as to the situation of the property in respect of which each person is registered as the clerk may require.

(3.) The lists prepared under this section shall be evidence for or against, but shall not be conclusive for or against the right of any 25 person to vote for a licensing board.

(4.) The lists prepared under this section shall be open to the inspection of any person at any reasonable hour.

(5.) If any overseer neglects or refuses to deliver the copies, or to give the information required by this section, he shall, for every 30 such neglect or refusal, be liable to a fine not exceeding *fifty pounds*, recoverable by action.

Casual
vacancy.

37.—(1.) If a casual vacancy occurs amongst the elected members of a licensing board, a member shall be elected to fill the vacancy in the same manner as at an election of a new board, 35 and the person elected shall hold office until the time when the person in whose place he is elected would have gone out of office.

(2.) If a casual vacancy occurs within *six months* before the ordinary day of election of members of a licensing board, the vacancy shall not be filled.

(3.) An election to a casual vacancy shall be held within fourteen days after notice in writing of the vacancy has been given to the clerk of the licensing board by two persons qualified as electors. A.D. 1895.

(4.) The day of election shall be fixed by the clerk of the licensing board.

38. All expenses of elections shall be defrayed as part of the expenses of the licensing board. Expenses of elections.

Appointed Members.

39.—(1.) An appointed member of the licensing board may be re-appointed. Provisions as to appointed members.

(2.) Any casual vacancy occurring amongst the appointed members of the licensing board may be filled by the appointment of another member by the licensing justices, but the member so appointed shall hold office for so long only as the member whose place is vacant would have held office

(3.) An appointed member of the licensing board may resign his office by giving *fourteen days* notice in writing to the licensing justices by whom he was appointed, and his resignation shall take effect on the expiration of that notice.

40.—(1.) The first appointed members of the licensing boards shall be appointed by the licensing justices of each licensing division before the date for the election of licensing boards, and for that purpose the Local Government Board shall give notice of that date to those justices. First appointed members.

(2.) The justices of each licensing division shall give notice to the returning officer for the first election of the names and addresses of the first appointed members, and the returning officer shall give notice to those members of the day of first meeting of the licensing board.

41.—(1.) The Local Government Board shall fix some day not less than *two* and not more than *six* months after the passing of this Act as the date for the election of licensing boards. First election.

(2.) The Local Government Board shall appoint a returning officer for the first election in each district.

(3.) The duties to be performed by the clerk of the licensing board under this Act, with reference to the preparation of lists of persons entitled to vote and otherwise with reference to the election

A.D. 1895. of licensing boards, shall for the purpose of the first election of licensing boards be performed by the clerk of the licensing justices; and the provisions of this Act shall apply accordingly as if, for the purpose of the first election, the clerk of the licensing justices was substituted for the clerk of the licensing board. 5

(4.) Any notice which is by this Act required to be posted at the office of the licensing board shall, for the purpose of the first election, be posted in such conspicuous and central place in the licensing district as the clerk to the licensing justices may think fit; and where anything is by this Act required to be done at or in the office of the licensing board, that thing may be done at the first election at or in such place in the district as may be fixed by the Local Government Board. 10

(5.) The expenses of the first election, including such reasonable remuneration to the clerk of the licensing justices as may be approved by the Local Government Board, shall be paid by the licensing board as expenses under this Act. 15

Powers of
Local
Government
Board with
reference to
first elections
and polls.

42.—(1.) If at the first election of licensing boards under this Act, or if at any poll to be taken under this Act with reference to a local veto, any difficulty arises with reference to that election or poll, or with reference to the first meeting of a licensing board, or if any difficulty arises with reference to the first appointment of ex-officio members, the Local Government Board may by order do any matter or thing which appears to them necessary for the proper holding of the election, poll, or first meeting, or for the first appointment of ex-officio members. 25

(2.) The Local Government Board may by any such order, if it appears necessary, direct a new election or poll or a new appointment to be held, and fix the date of that election, poll, or appointment; they may also by any such order, for the purposes of this section, modify any of the provisions of this Act with reference to the election of licensing boards, or the holding of a poll, or the first meeting of a licensing board, or the first appointment of ex-officio members. 30

Parish
situate partly
in one licens-
ing district,
partly in
another.

43. Where a parish is situate partly in one licensing district, partly in another, each part of that parish shall for the purposes of all the provisions of this Act, with the exception of those relating to local veto, be considered a separate parish, and the overseers of the whole parish shall, for the purposes of this Act, be considered to be the overseers of each part of the parish which is under this section so considered a separate parish. 40

44. In the computation of time for any purpose under this Act, Sundays, Christmas Day, Good Friday, and Bank Holidays shall not be counted, and if any act or proceeding falls to be done on one of those days it shall be done on the day after.

A.D. 1895.
Computation
of time.

45. The Local Government Board before the date fixed by them for the first election of licensing boards may combine any districts for the purposes of this Act in such manner as they think fit.

Combination
of districts.

46.—(1.) This Act shall apply to the administrative county of London, subject to the provisions of this section.

Application
of Act in
London.

(2.) The licensing districts in the administrative county of London shall be the electoral divisions of that county as fixed under the Local Government Act, 1888.

(3.) The area for taking a poll in relation to the local veto under this Act shall also, in the administrative county of London, be an electoral division of that county as fixed under the said Act, and the poll shall be taken and the same provision shall apply as nearly as may be as in the case of a contested election of a county councillor, with the substitution of the ballot paper set out in the Second Schedule to this Act for the voting paper used at an election of a councillor.

(4.) The ex-officio members of the licensing board shall be appointed, in the case of a licensing district situate in the county of London by the court of quarter sessions, and in the case of a licensing district situate in the city of London by the court of the mayor and aldermen in the inner chamber.

47. Unless the context otherwise requires,—

Definitions.

The expression “licence” means a licence granted under this Act, or where reference is made to a licence granted before the commencement of this Act means a licence as defined by the Licensing Act, 1872:

The expression “new licence” means a licence granted at a general annual licensing meeting in respect of premises for which a similar licence has not theretofore been granted:

The expression “renewal of a licence” refers to the grant of a licence at a general annual licensing meeting by way of renewal:

The expression “licensed premises” means premises in respect of which a licence has been granted and is in force:

The expression “licensing district” means the area for which a general annual licensing is held in pursuance of the Intoxicating Liquor Licensing Act, 1828, or where that

A.D. 1895.

expression is used with reference to a licensing board established under this Act for a combination of districts, the area formed by the combined districts :

The expression "licensing justices" means such justices as before the passing of this Act had jurisdiction in respect of the grant of new licenses in a licensing district under the Intoxicating Liquor Licensing Act, 1828, and the Licensing Acts, 1872 to 1874, and the Acts amending any of those Acts :

The expression "the clerk of the licensing justices" has the same meaning as in the Licensing Act, 1872.

10

The expression "ratepayer" includes every person who under the provisions of the Poor Rate Assessment and Collection Act, 1869, is deemed to be duly rated.

Commence-
ment of Act.

48.—(1.) This Act shall come into operation in every licensing district on the election of a licensing board for that district, and that date is in this Act referred to as the commencement of this Act.

15

(2.) Any power may be exercised or any duty performed under this Act before the commencement of this Act so far as may be necessary to hold elections of licensing boards or otherwise to bring this Act into operation.

20

Extent of
Act and
saving.

49.—(1.) This Act shall not extend to Ireland.

(2.) Nothing in this Act shall affect the privileges, or apply to the sales and other matters mentioned in section seventy-two of the Licensing Act, 1872.

25

Short title.

50. This Act may be cited as the Licensing Act, 1895.

SCHEDULES.

A.D. 1895.

SCHEDULE I.

PART I.

Licences to which an on-license corresponds :—

- 5 (i.) A licence to sell intoxicating liquor under the Intoxicating Liquor Act, 1828 ;
- (ii.) A licence or certificate in pursuance of the Wine and Beerhouse Act 1869—
- To sell beer and cider on the premises ;
- 10 To sell cider on the premises ;
- To sell wine on the premises.
- (iii.) A licence to sell sweets on the premises in pursuance of the Licensing Act, 1872.

PART II.

15 Licences to which an off-licence corresponds :—

- (i.) A licence or certificate in pursuance of the Wine and Beerhouse Act, 1869—
- To sell beer and cider off the premises ;
- To sell cider off the premises ;
- 20 To sell wine off the premises ;
- To sell table-beer off the premises ;
- In the case of strong beer dealers, to sell beer by retail off the premises ;
- (ii.) A licence to sell sweets off the premises in pursuance of the Licensing Act, 1872 ;
- 25 (iii.) Licences for the sale of liqueurs or spirits off the premises by wholesale spirit dealers in pursuance of the Licensing Act, 1872.

SCHEDULE II.

RULES FOR TAKING OF POLL.

- 1. The persons entitled to vote at a poll shall be—
- 30 (a.) In the case of boroughs not divided into wards, the persons enrolled on the burgess roll ;

A.D. 1895.

(b.) In the case of the ward of a borough, the persons enrolled on the ward roll;

(c.) In the case of a parish situate outside the borough, the persons who are registered on the Local Government Register in respect of property situate in that parish.

5

2. The mayor or overseers shall act as returning officers at any such poll, and shall, not later than ten days after they have received the requisition, fix a day for the poll.

3. The day for the poll shall be some day not sooner than twenty days and not later than thirty days after the mayor or overseers have received the requisition.

10

4. Notice of the poll shall be given by the mayor or overseers by causing a printed notice of the time and place thereof to be posted in conspicuous places in the borough, ward, or parish for which the poll is to be taken, and also by advertising the same in two or more local papers circulating in that borough ward, or parish, as the case may be.

15

5. The mayor or overseers shall make arrangements as nearly as may be in accordance with the Acts for the time being in force for the taking of votes at parliamentary elections, substituting for the form of voting paper used at parliamentary elections the following form :—

20

FORM OF BALLOT PAPER.

No. of Counterfoil [corresponding with the number on the back of the ballot paper].	Against Veto		25
	For Veto		
			30

6. The mayor or overseers shall cause the following directions to be posted in conspicuous characters outside every polling station, and in every compartment of every polling station :—

- (i.) The voter, having obtained from the presiding officer a voting paper, shall go into one of the compartments, and with the pencil provided in the compartment shall make a × in the space opposite the words “Against Veto” if he is in favour of the granting and renewing of on-licenses and off-licenses, and in the space opposite the words “For Veto” if he wishes to prohibit the granting and renewing of on-licenses and off-licenses;
- (ii.) The voter shall then fold up the paper so as to show the official mark on the back to the presiding officer, and having done so shall in the presence of the presiding officer put the paper into the ballot-box and leave the station. If the voter inadvertently spoils the voting paper he

35

40

can return it to the presiding officer, who, on being satisfied as to such inadvertence, will give him another paper. A.D. 1895.

7. The returning officer shall, not later than the day after the poll has been taken, declare the result of the poll.

- 5 8. If the resolution is adopted, or having been adopted is rescinded, the returning officer shall give notice to any licensing board in whose district any part of the borough, ward, or parish is situate, and to the Local Government Board.

SCHEDULE III.

10 RULES AS TO MEETINGS AND PROCEEDINGS.

1. Every licensing board shall from time to time make regulations with respect to the summoning notice, place, management, and adjournment of their meetings, and generally with respect to the transaction and management of their business under this Act.

- 15 2. No business shall be transacted at any such meeting unless at least one-third of the full number of members be present thereat, subject to this qualification, that in no case shall a larger quorum than seven members be required.

3. Every licensing board shall at their first meeting, and from time to time as required, appoint one of their number to be chairman at all meetings at which he is present; the term of office of the chairman shall be one year, or till the next triennial election of a board, whichever is the shortest period; an outgoing chairman is re-eligible for election.

- 25 4. If the chairman so appointed dies, resigns, or becomes incapable of acting, another member shall be appointed to be chairman for the period during which the person so dying, resigning, or becoming incapable would have been entitled to continue in office, and no longer.

5. If the chairman is absent from any meeting at the time appointed for holding the same, the members present shall appoint one of their number to act as chairman thereat.

6. The names of the members present, as well as of those voting on each question, shall be recorded, so as to show whether each vote given was for or against the question.

- 35 7. Subject to the provisions of this Act every question at a meeting shall be decided by a majority of votes of the members present and voting on that question.]

8. In case of an equal division of votes the chairman shall have a second or casting vote.

9. The first meeting of a licensing board elected next after the passing of this Act, and the first meeting of the board after every triennial election, shall

A.D. 1895. — be held at such place and on such day (not being more than ten days after the completion of the election) as the returning officer may, by written notice to each member of the board, appoint. The first business of such first meeting shall be the election of the chairman of the board.

SCHEDULE IV.

5

RULES AS TO NOMINATION OF CANDIDATES.

1. Every candidate for the office of member of a licensing board must be nominated in writing.
2. The writing must be subscribed by two electors, as proposer and seconder, and by eight other electors, as assenting to the nomination. 10
3. Each candidate must be nominated by a separate nomination paper, but the same electors, or any of them, may subscribe as many nomination papers as there are vacancies to be filled, but no more.
4. Each person nominated must be qualified to be elected as a member of the licensing board. 15
5. The nomination paper must state the surname and other names of the candidate, with his abode and description.
6. The clerk of the licensing board shall provide nomination papers, and shall supply any elector with as many nomination papers as may be required, and shall, at the request of any elector, fill up a nomination paper. 20
7. Every nomination paper subscribed as aforesaid must be delivered by the candidate, or his proposer or seconder, at the office of the licensing board, seven days at least before the day of election, and before five o'clock in the afternoon of the last day for delivery of nomination papers.
8. The clerk of the licensing board shall forthwith send notice of every such nomination to each candidate. 25
9. The returning officer shall attend at the office of the licensing board on the day next after the last day for delivery of nomination papers for a sufficient time, between the hours of two and four in the afternoon, and shall decide on the validity of every objection made in writing to a nomination paper. 30
10. Where a person subscribes more nomination papers than one for the same candidate, his subscription shall be inoperative in all but the one which is first delivered.
11. Each candidate may, by writing signed by him, or, if he is absent from the United Kingdom, then his proposer or seconder may, by writing signed by him, appoint a person (in this schedule referred to as the candidate's representative) to attend the proceedings before the returning officer on behalf of the candidate, and this appointment must be delivered to the clerk of the licensing board before five o'clock in the afternoon of the last day for delivery of nomination papers. 35 40
12. Each candidate and his representative, but no other person, except for the purpose of assisting the returning officer, shall be entitled to attend the proceedings before the returning officer.

13. Each candidate and his representative may, during the time appointed for the attendance of the returning officer for the purposes of this schedule, object to the nomination paper of any other candidate.

14. The decision of the returning officer shall be given in writing, and shall, 5 if disallowing an objection, be final, but, if allowing an objection, shall be subject to reversal on petition questioning the election or return.

15. The clerk of the licensing board shall at least four days before the day of election cause the surnames and other names of all persons validly nominated with their respective abodes and descriptions, and the names of the persons 10 subscribing their nomination papers as proposers and seconders, to be printed, and fixed on the office of the licensing board, and in some conspicuous place in every parish situate in the licensing district.

16. The nomination of a person absent from the United Kingdom shall be void unless his written consent, given within one month before the day of his 15 nomination in the presence of two witnesses, is produced at the time of his nomination.

17. Where the number of valid nominations exceeds that of the vacancies, any candidate may withdraw from his candidature by notice signed by him, and delivered at the office of the licensing board not later than two o'clock in 20 the afternoon of the day next after the last day for delivery of nomination papers: Provided that such notices shall take effect in the order in which they are delivered, and that no such notice shall have effect so as to reduce the number of candidates ultimately standing nominated below the number of vacancies.

18. In and for the purpose of the provisions of this Act relating to proceedings preliminary to election, the Local Government Register which will be in force on the day of election shall be deemed to be the Local Government Register, and a person whose name is inserted in one of the lists from which 25 the Local Government Register will be made up shall be deemed to be enrolled or registered in that register although the Local Government Register is not yet 30 completed.

Sale of Intoxicating Liquors.

A

B I L L

To amend the Law relating to the Sale
of Intoxicating Liquors.

(Prepared and brought in by
Mr. Courtney, Mr. Bolitho, Sir Thomas Lea,
Mr. Brynmor Jones, and Colonel Bridgeman.)

*Ordered, by The House of Commons, to be Printed,
12 March 1895.*

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[Price 3d.]

[Bill 164.]

Sale of Intoxicating Liquors (Ireland) Bill.

MEMORANDUM.

This Bill is the same as passed by the Select Committee in the session of 1888, and reported to the House.

A

B I L L

TO

Amend the Law relating to the Sale of Intoxicating
Liquors in Ireland on Saturday and Sunday, and for
other purposes connected therewith.

A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and
with the advice and consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled,
and by the authority of the same, as follows :

5 1. The Sale of Liquors on Sunday (Ireland) Act, 1878, as
amended by this Act, shall continue in force until Parliament
otherwise enacts, and the provisions of the said Act in regard to
closing on the whole of Sundays are hereby extended to the
metropolitan police district of Dublin metropolis, and to the cities
10 of Belfast, Cork, Limerick, and Waterford.

Continuance
and exten-
sion of
41 & 42 Vict.
c. 72.

2. It shall not be lawful for any person to sell or expose for sale
intoxicating liquor, or to open or keep open any premises for the
sale of the same, on Saturdays after *nine o'clock* at night; and the
provisions of every Act (in regard to penalties and otherwise)
15 relating to selling or exposing for sale, or purchasing, intoxicating
liquor, or opening or keeping open any premises for the sale of
intoxicating liquor, or being present in or upon any such premises
at any hour, shall be amended in this particular, and shall apply
as if the hour of *nine o'clock* were specified therein as the
20 hour at which licensed premises are required to be closed on
Saturdays. Where any business, other than the sale of intoxicating
liquors, is carried on in the licensed premises the whole of such
premises shall be closed at the hour aforesaid, unless the portion of
the same in which such sale of intoxicating liquors is carried on
25 is structurally separated from the remainder of the building.

Closing
hours on
Saturday.

3. Nothing in this Act shall be construed to apply to sales of
intoxicating liquor to lodgers, or to sale of intoxicating liquor in

Exemptions.
Bonâ fide
travellers.

[Bill 28.]

A

A.D. 1895. — packet boats, or in canteens in pursuance of the Acts regulating the same, or shall preclude the sale at any time at a railway station of intoxicating liquor on arrival or departure of trains, or to bonâ fide travellers.

For the purposes of this Act and the other Acts relating to the sale of intoxicating liquors, a person shall not be deemed to be a bonâ fide traveller unless the place where he lodged during the preceding night is at least six miles distant from the place where he demands to be supplied with liquor, such distance to be calculated by the nearest public thoroughfare. 5 10

Short title
and com-
mencement.

4. This Act may be cited as the Intoxicating Liquors (Ireland) Act, 1895. This Act shall commence and come into operation on the *tenth day of October one thousand eight hundred and ninety-five.*

Sale of Intoxicating Liquors (Ireland).

A

B I L L

To amend the Law relating to the Sale
of Intoxicating Liquors in Ireland on
Saturday and Sunday, and for other
purposes connected therewith.

(Prepared and brought in by
Mr. Mulholland, Sir Thomas Lee,
Mr. Maurice Healy, Mr. Johnston, Mr. Jordan,
Colonel Sanderson, Mr. J. F. X. O'Brien,
Mr. T. W. Russell, Mr. Pinkerton, Mr. Diamond,
Mr. Arnold Forster, Mr. Webb,
Mr. William Kenny, and Mr. Kennedy.)

Ordered, by The House of Commons, to be Printed,
8 February 1895.

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90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[Price 1d.]

[Bill 28.]

A

B I L L

TO

Prohibit the Sale of Intoxicating Liquors to Children.

A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 **1.** Every holder of a licence who sells or delivers or allows any person to sell or deliver any description of intoxicating liquor to any person under the age of *sixteen years*, or who invites, entices, or offers or holds out any kind of inducement to any such person to visit or enter a house licensed for the sale of intoxicating liquors, Sale of intoxicating liquors to children and inducements to drink prohibited.
- 10 or allows any person to do so, shall be liable to a penalty not exceeding *forty shillings*; and, in case of a second or any subsequent conviction for such offence, to a penalty not exceeding *five pounds*.
- 15 **2.** For the purpose of all legal proceedings under the foregoing section this Act shall be construed as one Act with the Licensing Acts, 1872 to 1874. Legal procedure.
- 3.** Section seven of the Licensing Act, 1872, and also the Intoxicating Liquors (Sale to Children) Act, 1886, are hereby repealed. Repeal of 35 & 36 Vict. c. 94. s. 7 and of 49 & 50 Vict. c. 56.
- 20 **4.** This Act may be cited as the Sale of Intoxicating Liquors to Children Act, 1895. Short title.
- 5.** This Act shall come into operation on the *first day of September one thousand eight hundred and ninety-five*. Commencement of Act.

Sale of Intoxicating Liquors to Children.

A

B I L L

To prohibit the Sale of Intoxicating
Liquors to Children.

(Prepared and brought in by
Mr. Conybeare, Sir William Houldsworth,
Mr. Cairne, Mr. Rathbone, Mr. W. Johnston,
Mr. Alfred Webb, Mr. Alfred Thomas,
Sir Mark Stewart, Mr. T. W. Russell,
Mr. T. B. Balfour, Mr. Murray Macdonald,
and Mr. Haldane.)

Ordered, by The House of Commons, to be Printed,
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[*Price ½d.*]

[Bill 200.]

A

B I L L

TO

Amend the Salmon Fisheries (Ireland) Acts.

A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 1. This Act may be cited for all purposes as the Salmon Fishery Short title.
(Ireland) Act, 1895.

2. This Act shall not apply to England or Scotland.

Application
of Act.

3. The thirtieth section of the Salmon Fishery (Ireland) Act, 1863, and the fourth section of the Salmon Fishery (Ireland) Act,

Repeal.

10 1869, shall be and are hereby repealed.

4. In all the watercourses or other channels constructed for the purpose of conveying water for any purpose from any river frequented by salmon to any mill or other premises there shall be placed, fixed, maintained, and kept in thorough repair by the owner or occupier of such mill or other premises, at his own expense, at the points of divergence from and return to such river, gratings having iron bars placed vertically not more than two inches apart, so as to effectually prevent the passage of salmon into such watercourses or other channels.

Gratings in
watercourses
of mills, &c.
not worked
by turbines.

20 And any such owner or occupier neglecting or omitting so to place, fix, maintain, and keep in thorough repair such gratings as aforesaid shall incur a penalty not exceeding *ten pounds* and not less than *five pounds*, and a further penalty not exceeding *five pounds* for each day during which such gratings shall not be so placed, fixed, maintained, and kept in thorough repair, commencing
25 from the date of the first conviction.

[Bill 147.]

A.D. 1895.

Power of
exemption
by inspectors.

5. It shall be lawful for the Inspectors of Irish Fisheries, on the application of the owner or occupier of any mill or other premises, after public inquiry held by them, on being satisfied that such order is necessary for the effective working of the machinery of such mill or other premises, to make in writing an order exempting such owner or occupier of such mill or other premises from the necessity of complying with the provisions of section four of this Act for such period or periods of the year and on such terms and conditions as the said inspectors may in and by such order determine.

A copy of any order purporting to be signed by such inspectors shall be received in evidence in all courts. 10

Gratings in
watercourses
of mills, &c.
worked by
turbines.

6. In all the watercourses or other channels constructed for the purpose of conveying water for any purpose from any river frequented by salmon to any mill or other premises the machinery of which is worked by means of a turbine or similar hydraulic machine, there shall be placed, fixed, maintained, and kept in thorough repair by the owner or occupier of such mill or other premises, at his own expense, during the descent of salmon and of the young of salmon to the sea, gratings or other devices or constructions of a form and dimensions to be approved of by the inspectors of fisheries so as to effectually prevent the passage of salmon and of the young of salmon into the machinery of such mill or other premises. 15 20

And any such owner or occupier neglecting or omitting so to place, fix, maintain, and keep in thorough repair such gratings or other devices or constructions as aforesaid, shall incur a penalty not exceeding *ten pounds* and not less than *five pounds*, and also a further penalty not exceeding *five pounds* for each day during which such gratings or other devices or constructions as aforesaid shall not be so placed, fixed, maintained, and kept in thorough repair, commencing from the date of the first conviction. 25 30

Power of
exemption
by inspectors.

7. It shall be lawful for the said inspectors of fisheries, on the application of the owner or occupier of any mill or other premises, after public inquiry held by them, on being satisfied that no injury is likely to be thereby occasioned to salmon and the young of salmon, to make in writing an order exempting such owner or occupier of such mill or other premises from the necessity of complying with the provisions of section six of this Act for such period or periods of the year and on such terms and conditions as the said inspectors may in and by such order determine. 35 40

A copy of any order purporting to be signed by such inspectors shall be received in evidence in all courts.

8. If any person shall think himself aggrieved by the decision of the said inspectors in either granting or refusing any exemption under this Act as aforesaid, then such person may appeal to the next going judges at the assizes to be held for the county or county of the city or town in which such mill or other premises is or are situated. Provided such assizes shall be held at any time not less than *thirty-one days* after the time the said inspectors shall have made any such decision. And in case such assizes shall be held within thirty-one days from the time of such decision such appeal shall be made to the assizes to be held in and for such county or county of a city or town next after such first assizes.

A.D. 1895.
Appeal by any person aggrieved by the decision of the inspectors of fisheries.

Provided that no appeal shall be heard and determined unless the person so appealing shall within *ten days* from the date of such decision give notice in writing to the said inspectors, to the clerk of the crown and peace for such county or county of a city or town, and to the clerk of the board of conservators of the salmon fisheries district within which such mill or other premises is or are situated, and to the owner or occupier of such mill or other premises (where such owner or occupier is not the appellant) of his intention to prosecute such appeal.

And the said judges at such assizes, or any adjournment thereof, upon proof of such notice having been given, are hereby empowered and required to hear and determine the matter of such appeal, and to confirm, reverse, vary, or alter the said decision of the said inspectors, and to award such costs and expenses of witnesses as they may think reasonable.

9. A board of conservators, with the consent of the inspectors of fisheries, may adopt such means as they shall approve for preventing the ingress of salmon into streams in which they or their spawning beds are from the nature of the channel liable to be destroyed, but so that no water rights used or enjoyed for the purposes of manufacture, or agricultural purposes, or drainage, or navigation, shall be prejudicially interfered with thereby.

Board may place gratings at mouths of streams.

10. The Acts enumerated in the schedule to this Act annexed shall be incorporated with this Act and construed together as one Act, except where the provisions thereof are altered by this Act or are repugnant thereto.

Incorporation of Acts.

A.D. 1895.

SCHEDULE.

5 & 6 Vict. c. 106.
 7 & 8 Vict. c. 108.
 8 & 9 Vict. c. 108.
 11 & 12 Vict. c. 92.
 13 & 14 Vict. c. 88.
 26 & 27 Vict. c. 114.

29 & 30 Vict. c. 88.
 29 & 30 Vict. c. 97.
 32 Vict. c. 9.
 32 & 33 Vict. c. 92.
 54 & 55 Vict. c. 20.

5

Salmon Fisheries (Ireland) Acts Amendment.

A

B I L L

To amend the Salmon Fisheries
(Ireland) Acts.

(Prepared and brought in by
Mr. Seton-Karr, Mr. Tomlinson, and Mr. Dane.)

*Ordered, by The House of Commons, to be Printed,
1 March 1895.*

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[Price 3d.]

[Bill 147.]

Sea Fisheries Regulation (Scotland) Bill. [H.L.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Extent of Act.
3. Definition.
4. Constitution of Fishery Board.
5. Establishment of sea fisheries districts.
6. Establishment of fishery district committees.
7. Annual meeting of representatives of fishery district committees.
8. Byelaws for regulation of sea fisheries.
9. Power to prohibit seine trawling in certain localities.
10. Restriction as to beam trawling and otter trawling.

Mussel Fisheries.

11. Fishery Board to draw up a list of mussel beds.
12. Acquisition of mussel and clam beds.
13. Byelaws for regulation, &c. of mussel and clam beds.
14. Right to deposit, dredge, or take mussels and clams.
15. Right of Fishery Board, &c. to impose tolls and royalties.
16. Fishery Board may borrow on security of the tolls.
17. Protection of fisheries district.
18. Saving of orders under 31 & 32 Vict. c. 45.
19. Appointment and power of fishery officers.
20. Power to Board to protect sea fisheries.
21. Power to enter suspected places.
22. Application of byelaws, &c.
23. Mode of recovering penalties.
24. Assistance from Fishery Board.
25. Saving.

[Bill 298.]

A

Clause.

26. Powers of Fishery Board where no district committee is constituted.
27. Power to apply grant under 5 Geo. 4. c. 64., as security to Public Works Loan Commissioners.
28. Definitions.
- 29.

SCHEDULE.

A

B I L L

INTITLED

An Act for the better Regulation of Scottish Sea Fisheries. A.D. 1895.

[NOTE.—*The words enclosed in brackets and underlined are proposed to be inserted in Committee.*]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 1. This Act may be cited as the Sea Fisheries Regulation (Scotland) Act, 1895, and shall be read along with the Sea Fisheries Acts. Short title.

2. This Act shall apply to Scotland only, and to the parts of the sea adjoining Scotland, or within the jurisdiction of the Fishery Board for Scotland. Extent of Act.

10 3. In this Act the expression "Sea Fisheries Acts" means the Sea Fisheries Act, 1868, the Sea Fisheries Act, 1875, the Sea Fisheries Act, 1883, and the Sea Fisheries (Scotland) Amendment Act, 1885, and the expression "Herring Fishery (Scotland) Acts" means the Herring Fishery Acts enumerated in Schedule I. to the
15 Fishery Board (Scotland) Act, 1882, and includes any enactments amending these Acts or any of them. Definition.
31 & 32 Vict.
c. 45.
38 & 39 Vict.
c. 15.
46 & 47 Vict.
c. 22.
48 & 49 Vict.
c. 70.

4. From and after the first day of January one thousand eight hundred and ninety-six the Fishery Board for Scotland established by the Fishery Board (Scotland) Act, 1882, shall be reconstituted
20 in manner following (that is to say) :— Constitution of Fishery Board.
45 & 46 Vict.
c. 78.

(1.) The Board shall consist of seven members, (viz., three members, of whom one shall be the chairman of the Board, a second shall be the sheriff of a county in Scotland, and the third shall be a person of skill in the branches of science concerned
25 with the habits and food of fishes, and four members who shall be representative of the various sea fishing interests of Scotland,) to be appointed by Her Majesty from time to time after the passing of this Act on the recommendation of the Secretary for Scotland, and to hold office for five years, unless they sooner die or resign

A.D. 1895. office. Four members shall be a quorum. The chairman or deputy chairman, as the case may be, shall have a casting as well as a deliberative vote.

Save as regards the number of the quorum, nothing in this Act shall affect the provisions of section four, sub-section (2), of the 5 Fishery Board (Scotland) Act, 1882.

(2.) It shall be lawful for the Secretary for Scotland to appoint a scientific superintendent, who shall hold office during pleasure, [and be paid such salary as may be determined by the Commissioners of Her Majesty's Treasury.] 10

The superintendent shall, under the directions of the Fishery Board, conduct and supervise such scientific inquiries as the Board may deem necessary in carrying out the provisions of the Herring Fishery and Sea Fishery Acts.

[(3.) The personal and travelling expenses of the members of the 15 Fishery Board on scales to be approved by the Treasury shall be defrayed from moneys to be provided by Parliament.]

(4.) The first meeting of the reconstituted Board shall take place on such day as shall be determined by the Secretary for Scotland, on and after which date the present members of the Board 20 (other than the chairman) shall cease to hold office and be discharged of their duties.

Establish-
ment of sea
fisheries
districts.

5.—(1.) On the application of a county council or of a town council, or of the police commissioners of a police burgh, the Secretary for Scotland may, from time to time, by order— 25

(a) create a sea fisheries district, including any part of the sea adjoining Scotland, or within the jurisdiction of the Fishery Board for Scotland; and

(b) define the limits of the district and the area chargeable with any expenses under this Act; and 30

(c) provide for the constitution of a fishery district committee for the regulation of the sea fisheries carried on within the district; 35

and may from time to time, on a like application by subsequent order, vary any order made under this section, and unite one or 35 more districts or parts of districts into a separate district, or dissolve any district that may have been formed. Provided that no order shall be made affecting any county or burgh or police burgh, or any part thereof, except with the consent of the county council, town council, or police commissioners of such county or burgh or police 40 burgh, as the case may be.

(2.) Before making any order creating a sea fisheries district the Secretary for Scotland shall cause the draft of such order to be locally published in such manner as he may direct, and shall, if any objections are made to such order, or to any of the provisions thereof, cause such local inquiry to be held as may in his opinion be required. Due notice of such inquiry shall be given by advertisement or otherwise, and the report of the person holding such inquiry shall, if the order is made, be laid with the order before both Houses of Parliament.

A.D. 1895.

- (3.) Every order made under this section shall be laid for thirty days before both Houses of Parliament while in session, and if either House within that period resolves that the whole or any part of the order so made ought not to be in force, the same shall not have any force, without prejudice nevertheless to the making of any other order in its place. Subject to any such resolution, every order so made shall come into force at the expiration of the thirty days aforesaid.

- 6.—(1.) In each fishery district there shall be a fishery district committee, who shall be a committee composed of such number of members (in this Act referred to as ordinary members) of the county councils of the counties, and of the town councils of the royal or parliamentary burghs, and the burgh commissioners of the police burghs, comprised within the district and appearing to have an interest, as may be fixed by the order creating the district, or by any other order of the Secretary for Scotland, with the addition of such number of fishery members representing the fishing interests of the district as may be directed by the order, but not exceeding one half in number of the whole committee. The fishery members may be distributed or apportioned among such portions of counties and among such burghs and police burghs as the Secretary for Scotland shall determine by the order. A fishery district committee shall, subject to the provisions of the order creating the sea fishery district, be a committee of a county council, or town council, or commissioners of a police burgh, or if two or more of such bodies are represented upon it shall be deemed to be a joint committee of such bodies, and the provisions of the Local Government (Scotland) Act, 1889, relative to joint committees shall apply accordingly.

Establish-
ment of
fishery
district
committees.

52 & 53 Vict.
c. 50.

(2.) So soon as an order creating a district has come into force—

- (a.) The ordinary members shall be appointed annually in accordance therewith by the said county councils, town councils, and burgh commissioners respectively, from among

A.D. 1895.

their own number, and shall hold office until their successors are appointed.

(b.) Where such order has come into force before the first day of November in the year one thousand eight hundred and ninety-eight, the fishery members may be nominated by the Secretary of Scotland, but shall cease to hold office when their successors are elected as herein-after provided.

(3.) (a.) In the year one thousand eight hundred and ninety-eight, and in every third year thereafter, being the year in which a county electoral roll falls to be prepared in terms of the provisions of the Local Government (Scotland) Act, 1889, or of any Act or Acts amending the same, the fishery members shall be elected (subject to regulations to be framed as to nomination, the manner of conducting the elections, and the mode of defraying the costs thereof, in so far as not herein provided, by the Secretary for Scotland) by all persons included in the expression fishing interests as herein-after defined.

(b.) The county and burgh assessors respectively, or other persons charged within a fishery district with the duty of the preparation of the county council and burgh registers of voters (including the registers of police burghs), shall, in the year one thousand eight hundred and ninety-eight, and in every third year thereafter, prefix a distinctive mark (of which they shall have given due notice on the lists published by them) to the number or name of any county or burgh elector whom they shall respectively consider to be entitled, or who shall satisfy them that he is entitled, to be included in the expression "fishing interests."

It shall be lawful to object to the insertion or omission of the distinctive mark in this section mentioned as nearly as may be in the same manner and subject to the same provisions as to appeal and otherwise as in the case of any other entry in or omission from the register and lists of voters.

(c.) At an election each voter shall be entitled to a number of votes equal to the number of members to be elected for the county or burgh or police burgh, or for any two or more of them, for which fishery members are to be elected, and for which he has a vote, but he shall not be entitled to give more than one vote to any candidate.

(d.) The elections shall take place in counties (exclusive of burghs and police burghs), on the same day, and, as nearly as may be, in the same manner, in the same places, and with the same returning and presiding officers and clerks, as the election of county councillors

for the county in which the fishery district or part thereof, as the case may be, is situate, or if there is a contested election for fishery members but there is no contested election for county councillors in the county council electoral division or divisions corresponding to
5 such fishery district or part thereof, as the case may be, as if there were a contested election for county councillors in such electoral division or divisions; and in burghs and police burghs not divided into wards on the same day, and, as nearly as may be, in the same manner, in the same places, and with the same returning and
10 presiding officers and clerks, as the election of town councillors and burgh commissioners for the burghs and police burghs in which the fishery district or part thereof, as the case may be, is situate, or, if there is a contested election for fishery members but no contested election for town councillors or burgh commissioners in such burgh
15 or in any ward thereof (if it is divided into wards), as if there were a contested election for town councillors or burgh commissioners in such burgh or police burgh or in a ward or wards thereof; and in burghs and police burghs divided into wards the elections shall take place at such time and in such place within the burgh as
20 the town council or the police commissioners respectively may determine, and as nearly as may be in the same manner as the election of town councillors or police commissioners for a ward of such burgh.

(e.) The fishery members shall hold office for three years, and
25 any casual vacancy shall be filled by a representative of the fishing interest, to be appointed by the fishery district committee of the district in which the vacancy occurs; provided that any person appointed to fill such vacancy shall remain in office so long only as the person in whose room he was appointed would have remained
30 in office.

(f.) Where a town council of a burgh or burgh commissioners of a police burgh are represented by an ordinary member or ordinary members upon a fishery district committee, no county councillor appointed under the provisions of the Local Government (Scotland)
35 Act, 1889, to represent any such burgh or police burgh shall in a county council vote in such appointment; and where fishery members are elected in terms of this section for a police burgh, the county electors within such police burgh shall not be entitled to vote in the election of fishery members for the county in which
40 such police burgh is situate.

(4.) A fishery district committee shall from time to time elect a chairman, who shall hold office for such period as shall be fixed at

A.D. 1895.

the time of his election. The chairman shall have a casting as well as a deliberative vote.

(5.) The order creating a fishery district shall make provision in regard to the time and place of meeting of the fishery district committee and the appointment of a clerk. 5

[(6.) The expenses of a fishery district committee, so far as sanctioned and payable by a county council, shall be levied and collected within the county (excluding police burghs) as an addition to the general purposes rate, and, so far as sanctioned and payable by a town council or burgh commissioners, by the town council 10 acting as such or as police commissioners, and by the burgh commissioners as an addition to the burgh general assessment, or where there is no burgh general assessment, to any other available assessment, and the amounts so collected shall on or before the fifteenth day of January next ensuing be paid to the fishery district committee 15 without any deductions whatever.]

Annual
meeting of
representa-
tives of
fishery
district com-
mittees.

7. The Fishery Board shall convene, at least once in each year, a meeting composed of not less than one representative nominated for that year by each fishery district committee to confer with the Fishery Board, and for consultative purposes on matters relating 20 to this Act.

Byelaws for
regulation of
sea fisheries.

8.—(1.) A fishery district committee may, from time to time, subject to such regulations as may be made in that behalf by the Fishery Board, impose penalties, and also make byelaws to be 25 observed within their district, for all or any of the following purposes, namely,—

(a.) For restricting or prohibiting, either absolutely or subject to such regulations as may be provided by the byelaws, any method of fishing for sea fish or the use of any instrument of fishing for sea fish, and for determining the size of mesh, form, 30 and dimensions of any instrument of fishing for sea fish;

(b.) For constituting within their district any district of oyster cultivation for the purposes of section four of the Fisheries (Oyster, Crab, and Lobster) Act, 1877; 35

(c.) For directing that the proviso to section eight of the Fisheries (Oyster, Crab, and Lobster) Act, 1877, which permits edible crabs in certain conditions or under a certain size to be taken by or be in the possession of any person if those crabs are intended for bait for fishing, shall not apply; 40

(d.) For repealing or amending any order made under section 40 ten of the Fisheries (Oyster, Crab, and Lobster) Act, 1877;

40 & 41 Vict.
c. 42.

(e.) For the regulation, protection, and development of fisheries for all or any specified kinds of shell-fish, and any such bye-laws shall provide amongst other things for—

- 5 (1.) The fixing of the sizes and condition at which shell-fish may not be removed from a fishery, and the mode of determining such sizes ;
- (2.) The obligation to re-deposit in specified localities any shell-fish, the removal or possession of which is prohibited by, or in pursuance of, any Act of Parliament ;
- 10 (3.) The protection of shell-fish laid down for breeding purposes ;
- (4.) The protection of culch and other material for the reception of spat, that is to say, of the spawn or young of any kinds of shell-fish ; and
- 15 (5.) The obligation to re-deposit such culch or other material in specified localities.
- (f.) For prohibiting or regulating the deposit or discharge of any solid or liquid substance detrimental to sea fish or sea fishing ; and
- 20 (g.) For repealing or amending any byelaw made by the fishery district committee in pursuance of this Act.
- (2.) A fishery district committee shall further have power to stock or re-stock any public fishery for shell-fish.

9.—(1.) The Fishery Board may, by byelaw or byelaws, direct
25 that the method of fishing known as seine trawling shall not be used in any area or areas within the limits specified in section six of the Herring Fishery (Scotland) Act, 1889, or in the schedule annexed to that Act, as defined in such byelaw, and may from time to time make, alter, and revoke byelaws for the purposes of this
30 section.

Power to prohibit seine trawling in certain localities.

(2.) Any person, who uses such method of fishing in contravention of any such byelaw, shall be liable, on summary conviction, to a fine not exceeding five pounds for the first offence, and not exceeding twenty pounds for the second or any subsequent
35 offence ; and every net set, or attempted to be set, in contravention of any such byelaw, may be seized and destroyed or otherwise disposed of by any superintendent of the herring fishery or other officers employed in the execution of the Herring Fishery (Scotland) Acts. Provided always that, if no conviction shall follow, any net
40 so seized shall be forthwith returned, and due compensation shall be made for any loss or damage occasioned thereto by such seizure.

A.D. 1895.

—
Restriction
as to beam
trawling and
otter
trawling.

10.—(1.) The Fishery Board may, by byelaw or byelaws, direct that the methods of fishing known as beam trawling and otter trawling shall not be used in any area or areas under the jurisdiction of Her Majesty, within thirteen miles of the Scottish coast, to be defined in such byelaw, and may from time to time make, 5 alter, and revoke byelaws for the purposes of this section. Provided that the powers conferred in this section shall not be exercised in respect to any areas under Her Majesty's jurisdiction lying opposite to any part of the coasts of England, Ireland, or the Isle of Man, within thirteen miles thereof. 10

(2.) No byelaw under this section shall be confirmed by the Secretary for Scotland until he shall have directed a local inquiry to be held in the district adjoining the part of the sea to be included in the byelaw; at which inquiry all persons interested shall be heard. 15

(3.) Provided that any area of sea within the said limit of thirteen miles shall be deemed to be under the jurisdiction of Her Majesty for the purposes of this section, if the powers conferred thereby shall have been accepted as binding upon their own subjects, with respect to such area, by all the states signatories of the North Sea 20 Convention, 1882.

(4.) Any person who uses any such method of fishing in contravention of any such byelaw, shall be liable on conviction, under the Summary Jurisdiction (Scotland) Acts, to a fine not exceeding one hundred pounds, and failing immediate payment of the fine to 25 imprisonment for a period not exceeding sixty days, without prejudice to diligence by poinding or arrestment, if no imprisonment has followed on the conviction; and every net set, or attempted to be set, in contravention of any such byelaw, may be seized and destroyed or otherwise disposed of by any superintendent 30 of the herring fishery or other officers employed in the execution of the Herring Fishery (Scotland) Acts. Provided always that, if no conviction shall follow, any net so seized shall be forthwith returned, and due compensation made for any loss or damage occasioned thereto by such seizure. 35

52 & 53 Vict.
c. 23.

(5.) Sub-section two of section seven of the Herring Fishery (Scotland) Act, 1889, is hereby repealed, and the provisions of the foregoing sub-section shall be and are hereby substituted therefor.

(6.) Failing payment by a certain date named in the conviction of the fine imposed upon the person or persons convicted, decree 40 therefor may be pronounced against the owner or owners of the offending vessel or boat, and upon such decree being pronounced

the person or persons convicted shall be relieved therefrom and from all penalties attaching thereto. A.D. 1895.

Mussel Fisheries.

11. The Fishery Board shall, within six months after the passing of this Act, and after due notice and advertisement of their intention so to do, draw up a list or schedule of mussel or clam fisheries or beds or scalps as presently existing within the area defined by this Act, and shall specify therein the situation and limits thereof and the names of the owners or reputed owners respectively. Fishery Board to draw up a list of mussel beds.
- 10 The list or schedule shall be published and circulated in such manner as the Fishery Board shall think fit, and a copy shall be sent to each of the owners or reputed owners specified therein. The principal list or schedule shall be kept and retained in the office of the Fishery Board, and shall be revised or added to as
- 15 circumstances may require.
12. For the purposes of this Act, and with a view to the maintenance and regulation of mussel or clam fisheries or beds or scalps, and for the cultivation of mussels and clams generally, the Fishery Board may, if it see fit, take on lease or acquire by purchase any mussel or clam fisheries or beds or scalps whether on the list or schedule herein-before provided for or not; and with respect to the purchase of such fisheries or beds or scalps otherwise than by agreement, the provisions of the Lands Clauses Acts in regard to the taking of land otherwise than by agreement are hereby
- 20 incorporated with this Act. Acquisition of mussel and clam beds.
- 13.—(1.) A fishery district committee may, from time to time, subject to such regulations as may be made in that behalf by the Fishery Board, impose penalties and also make byelaws for the establishment or improvement, and for the maintenance and regulation of mussel and clam fisheries or beds or scalps and for the cultivation of mussels and generally for all or any of the following purposes, viz:—
- 30 (a.) For restricting or prohibiting, either entirely or subject to such regulations as the Fishery Board may think fit, the removal or taking of mussels or clams from the mussel or clam fisheries or beds or scalps established or acquired as aforesaid within the area to which this Act applies;
- 35 (b.) For prohibiting the sale, removal, or taking of mussels or clams for the purposes of manure from any part of the sea adjoining Scotland;
- 40

A.D. 1895.

(c.) For prohibiting the removal or taking of mussels or clams below a certain specified size from any part of the sea adjoining Scotland ;

(d.) For letting on lease by the Fishery Board, either for one year or for a period of years, any mussel or clam fishery or bed or 5 scalp either in whole or in part in any part of the sea adjoining Scotland, subject to such payment of rent and other stipulations and to such restrictions and conditions as the Fishery Board shall direct ;

(e.) For repealing or amending any byelaw made in pursuance of 10 this section.

Right to
deposit,
dredge, or
take mussels
and clams.

14. The Fishery Board or their sub-lessees or tenants shall, where they have respectively acquired a title under this Act, and subject to the rights of the Crown and its grantees, and also subject to any byelaws from time to time in force in the district, 15 have within the limits of each fishery district the exclusive right of depositing, propagating, dredging, and taking mussels and clams, and in the exercise of that right may within the limits of the district make and maintain mussel or clam fisheries and beds or scalps and collect and remove the same from place to place, and deposit the 20 same as and where they think fit, and do all other things which they think proper for obtaining, storing, and disposing of the produce of their fishery: Provided always that, when the Fishery Board or their sub-lessees or tenants hold any mussel or clam fishery or bed or scalp on lease, they shall in no case exceed the 25 powers conferred upon them in their respective leases.

Right of
Fishery
Board, &c.
to impose
tolls and
royalties.

15. The Fishery Board or their sub-lessees or tenants, where they have respectively acquired a title under this Act, [may, subject to the rights of the Crown and its grantees, impose tolls or royalties upon persons dredging and taking mussels or clams within the limits 30 of the fishery district, and] shall have power to carry into effect and enforce the restrictions and regulations which they are by this Act entitled to impose. All such restrictions, regulations, [tolls, and royalties] shall be imposed on and apply to all such persons equally, and shall be applied for the benefit of the fishery only. 35

Any person who dredges or takes mussels or clams in contravention of any such restriction or regulation, [or without paying any such toll or royalty,] shall be liable on summary conviction to pay a penalty not exceeding twenty pounds, and to forfeit all mussels so taken, or a sum equal to the value thereof if they have been sold, which 40 forfeiture may be enforced in the same manner as a penalty.

The Court may direct such forfeiture to be delivered [or paid] to the Fishery Board, or to their sub-lessees or tenants, to be applied by them for the improvement and cultivation of mussel or clam fisheries within the fishery district. A.D. 1895.

- 5 16. The Fishery Board may, with the approval of the Secretary of Scotland, borrow [from the Public Works Loan Commissioners, and the said Commissioners may, if they think fit, lend on the security of the tolls and royalties to be imposed under the provisions of this Act,] such sums as may be required for the purchase, lease, main-
 10 tenance, or regulation of any mussel or clam fisheries, or beds or scalps, or for the cultivation of mussels or clams generally.

Fishery Board may borrow on security of the tolls.

17. It shall not be lawful for any person other than the Crown or its grantees, and the Fishery Board or their sub-lessees or tenants, in so far as they have respectively acquired a title
 15 under this Act, their agents, servants, and workmen, within the limits of a fishery district constituted by the order, knowingly to do any of the following things:—

Protection of fisheries district.

- To use on or near a mussel or clam fishery or bed or scalp, unless with the sanction of the Fishery Board or the fishery district
 20 committee, any implement of fishing, except a line and hook, or a net adapted solely for catching floating fish, and so used as not to disturb or injure in any manner any mussel or clam fishery or bed or scalp:

- To dredge for any ballast or other substance upon or near a
 25 mussel or clam fishery or bed or scalp except under a lawful authority for improving the navigation:

To deposit any ballast, rubbish, or other substance on or near to a mussel or clam bed or scalp:

- To place any implement, apparatus, or thing prejudicial, or
 30 likely to be prejudicial, to any mussel or clam fishery or bed or scalp, except for a lawful purpose of navigation or anchorage:

- And if any person does any act in contravention of this section, he shall be liable on summary conviction to pay a penalty not
 35 exceeding twenty pounds, and every such person shall also be liable to make full compensation to the Fishery Board, or to the fishery district committee, or to their sub-lessees or tenants, and to the owner respectively, for all damage sustained by them or him by reason of his unlawful act.

- 40 18. All orders made under the Sea Fisheries Act, 1868, or any Act amending the same, before the commencement of this Act, but not confirmed, and all proceedings taken before the commencement of

Saving of orders under 31 & 32 Vict. c. 45.

A.D. 1895.

this Act with a view to obtain any such orders shall have effect and be proceeded with as if this Act had not passed.

Appoint-
ment and
power of
fishery
officers.

19.—(1.) A fishery district committee may appoint such fishery officers as they deem expedient for the purpose of enforcing the observance within their district of byelaws made by the committee, 5 provided that nothing in this section shall exempt the coastguard and Admiralty officers from their statutory duty in enforcing the law and regulations affecting vessels engaged in sea fishing.

(2.) For the purpose of enforcing those byelaws every such fishery officer may, within the limits of the district, or of any fishery 10 district—

(a) stop and search any vessel or vehicle used within the district in fishing or in conveying either fish or any substance, the deposit or discharge of which is prohibited or regulated by any such byelaws; and

15

(b) search and examine all instruments used in catching or carrying fish; and

(c) seize any sea fish or instrument liable to be forfeited in pursuance of any such byelaws.

(3.) If any person without reasonable excuse (proof whereof shall lie on him) refuses to allow any such officer to exercise the powers conferred on him by this Act, or resists or obstructs any such officer in the performance of his duty, he shall for every such offence be liable, on summary conviction, to a fine not exceeding five pounds.

25

(4.) For the enforcement of the provisions of any such byelaws every such officer shall be deemed to be a police constable, and to have the same powers and privileges, and be subject to the same liabilities, as a police constable duly appointed has and is subject to at common law or by statute.

30

Power to
Board to
protect sea
fisheries.

20. Without prejudice to any powers otherwise vested in them, the Fishery Board may from time to time, subject to the approval of the Secretary for Scotland and of the Commissioners of Her Majesty's Treasury, employ such officers and vessels and take such other means as shall be necessary for the efficient protection of the 35 sea fisheries and for the observance of such byelaws as may from time to time be in force: Provided that nothing in this section shall exempt the coastguard and Admiralty officers from their statutory duty in enforcing the law and regulations affecting vessels engaged in sea fishing.

40

Power to
enter sus-
pected
places.

21. It shall be lawful for any sheriff or any two justices of the peace upon information on oath that there is probable cause to

suspect any breach of any byelaw made under this Act to have been committed, or that any sea fish or instrument liable to be forfeited in pursuance of any such byelaw is concealed on any premises, by warrant under his hand to authorise and empower any

A.D. 1895.

5 fishery officer appointed under this Act, or any police constable, to enter the premises for the purpose of detecting the offence or the concealed fish or instrument at such time or times in the day or night as in the warrant may be mentioned, and to seize any such fish or instruments which may be found on the premises: Provided
10 that the warrant shall not continue in force for more than one week from the date thereof.

22.—(1.) All byelaws made in pursuance of the provisions of this Act shall before coming into operation be confirmed by the Secretary for Scotland.

Application of byelaws, &c.

15 (2.) Any byelaw under this Act may provide for its application either to the whole or to any specified part or parts of a fishery district, and either during the whole or any specified part or parts of the year.

(3.) The Fishery Board may, by their byelaws, in so far as not
20 otherwise provided for, impose as penalties for the breach of any byelaw fines not exceeding for any offence the sum of twenty pounds, and in the case of a continuing offence the additional sum of ten pounds for every day during which the offence continues, and in any case forfeiture of any fishing instrument used or sea fish
25 taken in contravention of, or found in the possession of a person contravening, any byelaw.

23. All penalties, offences, and proceedings under this Act, or under any order made thereunder, may be prosecuted summarily under the Summary Jurisdiction Acts, and any person aggrieved
30 by any conviction under this Act, or by any determination or adjudication of the Court with respect to any compensation under this Act, may appeal in the manner provided in these Acts.

Mode of recovering penalties.

24. The Fishery Board shall give every assistance in carrying out the provisions of this Act, and where necessary shall employ
35 their officers to facilitate its execution.

Assistance from Fishery Board.

25.—(1.) Nothing in or done under this Act shall—

Saving.

(a) where the soil under any mussel or clam fisheries, or beds or scalps, is vested in the Crown, and is under the management of the Commissioners of Woods or the Board of Trade, entitle
40 any person to acquire that soil without the consent of the

A.D. 1895.

Commissioners of Woods or the Board of Trade, as the case may require ; or

(b) affect any powers, authorities, rights, or privileges, exercisable by the Board of Trade in the public interest.

(2.) Except in so far as powers are expressly given under this Act, 5 nothing in this Act contained shall affect or alter the rights of any person having or claiming to have a right or title to mussel or clam fisheries, or mussel or clam beds or scalps, in the sea adjoining Scotland, and within the jurisdiction of the Fishery Board.

Powers of
Fishery
Board where
no district
committee is
constituted.

26. The Fishery Board shall in respect of any parts of Scotland 10 where there is no fishery district committee have all the powers to make regulations and byelaws and to impose penalties given in this Act to fishery district committees.

Power to
apply grant
under 5 G. 4.
c. 64., as
security to
Public
Works Loan
Commis-
sioners.

27. Section one of the Fishery Board (Scotland) Extension of Powers Act, 1894, shall be read as if the words "in providing 15 " collateral security for any loan made by the Public Works Loan " Commissioners with the approval of the Fishery Board " were omitted, and the words "as security for obtaining a loan from the Public Works Loan Commissioners " inserted instead thereof.

Definitions.

28. For the purposes of this Act— 20

The expression "fishing interests" shall include all persons engaged or employed in the industry or business of sea fishing, excepting fisheries for salmon and fish of the salmon kind as defined by any Act relating to salmon, either as owners of fisheries or interests therein, fishermen, fishing boat owners, 25 smack owners, fish curers, fish merchants, or otherwise :

The expression "sea fish" shall not include salmon as defined by any Act relating to salmon.

29. The Act specified in the schedule to this Act is hereby repealed to the extent in the third column of that schedule 30 mentioned.

SCHEDULE.

A.D. 1895.

Session and Chapter.	Short Title.	Extent of Repeal.	Date from which Repeal takes effect.
45 & 46 Vict. c. 78. 5 10	Fishery Board (Scotland) Act, 1882. .	Sub-section one of section four. Sub-section two of section four, the words "three members shall be a quorum."	The first of January in the year one thousand eight hundred and ninety-six.

Sea Fisheries
Regulation (Scotland).
[H.L.]

A

B I L L

INTITULED

An Act for the better Regulation of
Scottish Sea Fisheries.

(*Brought from the Lords 24 May 1895.*)

Ordered, by The House of Commons, to be Printed,
30 May 1895

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50, West Nile Street, Glasgow; or
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[*Price 2s.4d.*]

[Bill 298.]

A

B I L L

TO

Facilitate the Voting of Sea Fishermen at Parliamentary Elections in Scotland. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 **1.** This Act shall be cited as the Sea Fishermen's Voting (Scotland) Act, 1895. Short title.

2. When a sea fisherman is likely to be on the day of any Parliamentary election employed in his calling at sea or at a distance which would prevent him voting at the polling station at which he would be entitled by law to vote, such sea fisherman may make application in writing in the form in the schedule to this Act, to the returning officer, signifying his intention to vote under the provisions of this Act; and the said application shall state his name, the name of his constituency, his number and description on the register of voters, and the post office at which he desires to receive the ballot paper, and shall be attested by one male witness over twenty-one years of age. Application by sea fisherman to have ballot paper posted.

3. The returning officer shall on receiving the said application, place a mark against the name of such sea fisherman in the electoral roll, and it shall thereon be illegal for the said sea fisherman to vote at that Parliamentary election at the polling station of the polling district to which he belongs in the manner prescribed by the Ballot Act of 1872. Illegality of voting in ordinary way after such application.

4. As soon as the nomination of candidates for the Parliamentary election has taken place, the returning officer shall post or cause to be posted, addressed to the said sea fisherman, at the post office indicated by him, a ballot paper, and along with the ballot paper, an envelope stamped and directed to the returning officer at the returning burgh; and the returning officer shall mark on the [Bill 119. Returning officer to post ballot paper after nomination.

A.D. 1895. counterfoil the number of the said sea fisherman in the register of voters.

Procedure
on receiving
ballot paper.

5. The sea fisherman shall, on receiving the ballot paper, present the same to the postmaster or one of the postal officials of the post office at which it was received, and the said postmaster or postal official shall stamp it on both sides with the post-mark of the said post office; and these post-marks shall be equivalent to the "official mark" in the Ballot Act of 1872; and the voter having secretly marked his vote on the paper shall, in the presence of the said postmaster or postal official, place it in the envelope directed to the returning officer, and hand it to the said postmaster or postal official, who shall thereon seal it and post, or cause it to be posted forthwith. 5 10

Mode in
which re-
turning
officer to
deal with
such ballot
papers.

6. The returning officer shall, on receipt of the said envelope, keep it in a fire-proof safe or other place of safety till the time of the counting of the votes in the manner provided by law. He shall then break the seal of the envelope, and deal with the ballot paper therein contained, as he is directed by law to deal with ballot papers at a Parliamentary election. 15

Repeal of
conflicting
statutes.

7. All statutes at variance with any of the provisions of this Act, in so far as they are at variance, are hereby repealed, but nothing in this Act shall exempt those voting under it from the pains and penalties by law attaching to impersonation and double voting. 20

Definition.

8. The term "sea fisherman" shall mean any of the crew of any boat employed in any branch of sea fishing. 25

Limitation.

9. This Act shall apply to elections for Parliamentary purposes in Scotland only.

SCHEDULE.

A.D. 1895.

FORM OF APPLICATION TO RETURNING OFFICER.**SEA FISHERMAN'S VOTING (SCOTLAND) ACT, 1895.**COUNTY [*or* BURGH] OF

5 I, , sea fisherman, residing at , and whose number
on the register of voters is , intend to vote under the provisions
of the above Act, and desire that my ballot paper be addressed to me at the
post office at .

Signature

10

Date

Signature of }
Witness }

Address of }
Witness }

Sea Fishermen's Voting (Scotland).

A

B I L L

To facilitate the Voting of Sea Fishermen at Parliamentary Elections in Scotland.

(Prepared and brought in by
*Mr. Crombie, Sir William Wedderburn,
Mr. Buchanan, Mr. Birkmyre, Mr. Wason,
Mr. Tennant, and Mr. Beith.*)

*Ordered, by The House of Commons, to be Printed,
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90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & CO., LIMITED, 104, Grafton Street, Dublin.

[Price 3d.]

[Bill 119.]

A

B I L L

TO

Provide for prohibiting the Catching of Seals at certain periods in Behring Sea and other parts of the Pacific Ocean adjacent to Behring Sea, and for regulating the Seal Fisheries in those Seas. A.D. 1895.

WHEREAS it is expedient to repeal the Seal Fishery (North Pacific) Act, 1893, and to re-enact it with amendments: 56 & 57 Vict. c. 23.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

- 1.—(1.) Her Majesty the Queen may, by Order in Council, prohibit, during the period specified in the Order, the catching of seals by British ships in such parts of the seas to which this Act applies as are specified in the Order. Power to prohibit by Order in Council the hunting of seals in Behring Sea and adjacent parts of the Pacific Ocean.
- (2.) While an Order in Council under this Act is in force—
- (a) a person belonging to a British ship shall not kill, take, or hunt, or attempt to kill or take, any seal during the period and within the seas specified in the Order; and
- (b) a British ship shall not, nor shall any of the equipment or crew thereof, be used or employed in such killing, taking, hunting, or attempt.

- (3.) If there is any contravention of this section, any person committing procuring aiding or abetting such contravention shall be guilty of a misdemeanor within the meaning of the Merchant Shipping Act, 1894, and the ship and her equipment and everything on board thereof shall be subject to forfeiture to Her Majesty. 57 & 58 Vict. c. 60.

- 2.—(1.) Her Majesty the Queen may by Order in Council make, as respects such parts of the seas to which this Act applies as are specified in the Order, regulations— Power to regulate seal fishing.

- (a) for entering in the official log of a ship particulars respecting the hunting, killing, and taking of seals, and

[Bill 304.]

A.D. 1895.

(b) for regulating the hunting and taking of seals, with power to prohibit or restrict the use therein of any particular kind of vessels, methods, or implements.

(2.) If there is any contravention of any such regulation any person who committed procured aided or abetted such contraven- 5
tion shall be liable to a fine not exceeding *one hundred pounds*.

57 & 58
Vict. c. 60.

(3.) If the regulations under this section provide for the entry of particulars in the official log of a ship, the provisions of the Merchant Shipping Act 1894 with reference to official logs (including the penal provisions), shall apply to every ship engaged 10
in seal fishing within such of the seas to which this Act applies as are specified in the Order.

Procedure
for enforcing
Act.
57 & 58 Vict.
c. 60.

3.—(1.) Any offence or fine under this Act may be prosecuted or recovered in like manner as if it were an offence or fine under the Merchant Shipping Act 1894. 15

(2.) For the purpose of the forfeiture of any ship under this Act, section seventy-six of the Merchant Shipping Act 1894 shall apply.

(3.) Where any commissioned officer on full pay in the naval service of Her Majesty the Queen has reasonable cause to believe 20
that during the period and in the seas specified in an Order in Council under this Act, any British ship has been used or employed in contravention of this Act, or of any regulation made thereunder, he may stop and examine her, and detain her or any portion of her equipment or any of her crew, and may seize the ship's certificate 25
of registry.

(4.) For carrying into effect an arrangement with any foreign State, an Order in Council under this Act may provide that the powers under this Act of such commissioned officer may, subject to any limitations, conditions, modifications, and exceptions speci- 30
fied in the Order, be exercised in relation to a British ship and the equipment crew and certificate thereof by such officers of the said foreign State as are specified in the Order, or in relation to a ship of the said foreign State and the equipment, crew and papers thereof, by such British officers as are specified in the Order. 35

Provision as
to ship's
papers.

4.—(1.) Where an officer has power under this Act to seize a ship's certificate of registry, he may subject to the directions of an Order in Council under this Act either retain the certificate and give a provisional certificate in lieu thereof, or return the certificate with an indorsement of the grounds on which it was seized and in 40
either case may, if the ship appears to him to be liable to forfeiture,

direct the ship, by an addition to the provisional certificate or to the endorsement, to proceed forthwith to a specified port, being a port where there is a British court having authority to adjudicate in the matter, and if this direction is not complied with, the owner and master of the ship shall, without prejudice to any other liability, each be liable to a fine not exceeding *one hundred pounds*. A.D. 1895.

(2.) Where in pursuance of this section a provisional certificate is given to a ship, or the ship's certificate is indorsed, any officer of customs in Her Majesty's dominions or British consular officer may detain the ship until satisfactory security is given for her appearance in any legal proceedings which may be taken against her in pursuance of this Act.

5.—(1.) A statement in writing, purporting to be signed by an officer having power in pursuance of this Act to stop and examine a ship, as to the circumstances under which or grounds on which he stopped and examined the ship, shall be admissible in any proceedings, civil or criminal, as evidence of the facts or matters therein stated. Evidence.

(2.) If evidence contained in any such statement was taken on oath in the presence of the person charged in the evidence, and that person had an opportunity of cross-examining the person giving the evidence and of making his reply to the evidence, the officer making the statement may certify that the evidence was so taken and that there was such opportunity as aforesaid.

6.—(1.) Her Majesty the Queen in Council may make, revoke, and alter Orders for the purpose of this Act, and every such Order shall be forthwith laid before both Houses of Parliament and published in the London Gazette. Orders in Council.

(2.) Any such Order may contain any limitations, conditions, modifications, and exceptions which appear to Her Majesty in Council expedient for carrying into effect the object of this Act.

7.—(1.) This Act shall apply to the animal known as the fur seal, and to any marine animal specified in that behalf by an Order in Council under this Act, and the expression "seal" in this Act shall be construed accordingly. Application, construction, short title, and duration of Act and repeal.

(2.) This Act shall apply to the seas within that part of the Pacific Ocean known as Behring's Sea and within such other parts of the Pacific Ocean as are north of the forty-second parallel of north latitude, and shall be in addition to and not in derogation of the provisions of the Behring Sea Award Act, 1894.

A.D. 1895.

(3.) The expression "equipment" in this Act includes any boat, tackle, fishing or shooting instruments, and other things belonging to a ship.

(4.) This Act may be cited as the Seal Fisheries (North Pacific) Act, 1895.

56 & 57 Vict.
c. 23.

(5.) The Seal Fishery (North Pacific) Act, 1893, is hereby repealed as from the passing of this Act, but shall be deemed until that passing to have continued in force, and any Order in Council in force under that Act shall continue as if it had been made in pursuance of this Act.

(6.) This Act shall remain in force until the *thirty-first day of December one thousand eight hundred and ninety-seven* and no longer unless continued by Parliament.

5

10

Seal Fisheries (North Pacific).

A

BILL

To provide for prohibiting the Catching of Seals at certain periods in Behring Sea and other parts of the Pacific Ocean adjacent to Behring Sea, and for regulating the Seal Fisheries in those Seas.

(Prepared and brought in by
Sir Edward Grey, Mr. Attorney-General,
and Mr. Sydney Buxton.)

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[Price 3d.]

[Bill 304.]

Seed Potatoes Supply (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Powers of Guardians to borrow.
3. Terms of loan.
4. Orders for payment of loans may be made by Local Government Board.
5. Application of loans.
6. Recovery of price from purchasers.
7. Power to postpone instalment.
8. Power of entry and inspection.
9. Summary recovery of price of seed.
10. Rules and regulations.
11. Savings.
12. Repayment of loans made by the Board of Works.
13. Confirmation of expenditure by Guardians, and indemnity.
14. Definitions.

A

B I L L

TO

Provide for the Supply of Seed Potatoes to Occupiers and Cultivators of Land in Ireland. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

5 **1.** This Act may be cited as the Seed Potatoes Supply (Ireland) Act, 1895. Short title.

10 **2.** The Guardians of any poor law union may apply to the Local Government Board for a loan under this Act for the use of any electoral division of their union, and if they satisfy the Local Government Board that the occupiers of land in that division are generally unable, through poverty and the extent of the failure of the potato crop, to procure an adequate supply of seed potatoes, the Local Government Board may approve of the application, and in that case shall transmit it to the Board of Works, who may, with
 15 the consent of the Treasury, make, out of any moneys at their disposal for the purpose of local loans, a loan to such Board of Guardians, on the security of the poor rate, leviable in the said electoral division, and without requiring any further or other security.

20 **3.—(1.)** Such loan shall be repayable by the Guardians to the Board of Works by two equal instalments, the first of which shall be paid on the *first day of August one thousand eight hundred and ninety-six*, and the second on the *first day of August one thousand eight hundred and ninety-seven*. Powers of Guardians to borrow.

25 **(2.)** The interest on such loan or on so much as is for the time being not repaid shall be at the lowest rate fixed by the Treasury for interest on local loans in Ireland, and shall be paid by equal

[Bill 117.]

A

A.D. 1895. — half-yearly payments to the Board of Works out of the Irish Church Temporalities Fund.

(3.) When any such loan is made for the benefit of any electoral division, all poor rates leviable in the division shall become forthwith charged, without any deed of mortgage or other instrument, 5 with the repayment by the said instalments of the loan.

Orders for
payment of
loans may
be made by
Local
Government
Board.

4. If at any time the Board of Works certify that any sum is payable to them by the Guardians of any union on account of any loan under this Act for the benefit of an electoral division, the Local Government Board shall, by order under their seal, assess 10 that sum on the electoral division, and shall send copies of the order to the Guardians and to the treasurer of the union; and thereupon the treasurer of the union shall, out of any money then in his hands to the credit of the Guardians, or if such money is insufficient, then, out of all moneys subsequently received by him on 15 account of the Guardians, pay the amount mentioned in the order to the Board of Works. The Guardians shall debit the electoral division with the amount so assessed.

Application
of loans.

5.—(1.) Where the Guardians obtain a loan under this Act for the benefit of any electoral division, they may apply the whole or 20 any part thereof in purchasing seed potatoes, and in defraying all expenses incurred for carriage, storage, or otherwise in providing the same for sale, and shall, when required by the Local Government Board, repay to the Board of Works any portion of the loan which is not so applied. 25

(2.) The Guardians shall sell such seed subject to the following provisions:—

(a.) Seed shall not be sold to any occupier of land the rateable value of which exceeds *fifteen pounds*, nor for less than the net price paid by the Guardians for it, including all expenses 30 incurred for carriage, storage, or otherwise in providing such seed for sale:

(b.) The Guardians may sell to any such occupier of land a quantity of seed potatoes not exceeding twelve hundredweight:

(c.) They may sell to any person who cultivates for his own 35 use any land under a contract made by him with the occupier of the land for the purpose of growing potatoes, seed potatoes not exceeding six hundredweight: Provided that upon any such sale the Guardians shall obtain such security as they may think sufficient for the payment of the price of the seed 40 sold:

(d.) Seed shall not be sold to any person unless the Guardians or such persons as the Local Government Board may nominate in that behalf, are satisfied that the land into which it is to be put has been properly prepared, and is ready for sowing : A.D. 1895.

5 (e.) An abatement of *one fifth* shall be made in the price of all seed which is paid for in cash ; and any loss thereby occasioned shall be charged on and paid out of the Irish Church Temporalities Fund :

10 (f.) All sums received for seed paid for in cash shall be paid by the Guardians to the Board of Works at the prescribed times, and shall be applied in repayment of the loan with which the seed was bought.

6.—(1.) The amount due to the Guardians on account of any seed sold shall be paid by two equal instalments. Recovery of price from purchasers.

15 (2.) For obtaining payment of each such instalment due from any person the Guardians shall levy the amount, where the person is rated to the poor rate, either as part of the poor rate payable by such person, or by a special rate to be added to the poor rate assessed on the tenements occupied by such person, and to be
20 collected therewith.

(3.) Where such person is not rated to the poor rate the Guardians shall make a special rate for the purposes of this Act in which he shall be rated.

(4.) Every such special rate shall be recoverable in the same
25 manner and with the same remedies by the collectors of the poor rate as if it were poor rate, and shall be lodged to the credit of the Guardians with the treasurer of the union, and shall be transmitted
" by the Guardians at their next meeting to the Board of Works.

(5.) Provided that no person shall be entitled to make any
30 deduction from his rent on account of any such special rate.

(6.) The first of such special rates shall be made by the Guardians at the same time as the first ordinary poor rate made after the *first day of July one thousand eight hundred and ninety-five*, and the second of such special rates shall be made by the Guardians at the
35 same time as the first ordinary poor rate made after the *first day of July one thousand eight hundred and ninety-six*.

The first instalment payable by each purchaser of seed shall be due on the day on which the first of such special rates is made, and the second instalment shall be due on the day on which the second
40 of such special rates is made. Any such instalment may be paid to the Board of Guardians at any earlier date.

A.D. 1895.

Power to
postpone
instalment.

7. The Lord Lieutenant, with the consent of the Treasury, may, on the application of any Guardians made through the Local Government Board, postpone the payment of any instalment due from or to the Guardians under this Act to any day not later than the *first day of August one thousand eight hundred and ninety-nine*; 5 and the time of making the special rates for the purpose of obtaining payment of any instalment so postponed shall be postponed for a corresponding period; and the postponed instalment shall become due on the day on which such postponed special rate is made. 10

Power of
entry and
inspection.

8.—(1.) The Lord Lieutenant, on the application of the Local Government Board, may, with the consent of the Treasury, appoint inspectors to assist the Guardians in the purchase of seed potatoes under this Act, and in all arrangements for the inspection, storage, and distribution of the same, *and those inspectors shall be paid* 15 *out of moneys provided by Parliament such remuneration as the Lord Lieutenant with the approval of the Treasury may direct.*

(2.) All purchases by the Guardians of seed potatoes under this Act shall be made subject to the approval of the Local Government Board. 20

(3.) Any member of the Board of Guardians of the union, or any person nominated by the Guardians, or any inspector appointed under this Act, may at all reasonable times enter into and examine any land occupied or tilled by a purchaser of seed under this Act from such Guardians, for the purpose of ascertaining whether the 25 seed has been properly sown, and may do all acts reasonably necessary for that purpose.

(4.) For the purpose of facilitating such examination the Guardians shall keep a list of the names and addresses of all purchasers of seed, and shall permit such list to be inspected by 30 any person having authority to enter and examine under this Act.

(5.) If any person refuses to a Guardian or other person acting in execution of the powers conferred by this section admission to any land which such Guardian or person is entitled to enter or 35 examine, or obstructs or impedes him in so entering or examining, the person so offending shall be liable, on summary conviction, to a fine not exceeding *five pounds*.

Summary
recovery of
price of
seed.

9. If any purchaser of seed from Guardians under this Act does not properly sow such seed, the Guardians may forthwith 40 recover the price of such seed, whether the amount is more or

less than *two pounds*, before the justices in petty sessions, in the manner prescribed by the Act of the session of the twenty-second year of the reign of Her present Majesty, chapter fourteen, and any Acts amending it; and the provisions of such Acts shall apply as if the amount was under *two pounds*. A.D. 1895.
22 Vict. c.14

10. The Local Government Board may make general rules and regulations as regards,— Rules and regulations.

- (a.) the times and manner of summoning and holding meetings of Guardians for the purposes of this Act :
- 10 (b.) the time within which applications are to be made under this Act :
- (c.) the information to be given by Guardians to the Local Government Board in respect of the persons in the several electoral divisions in the unions who are in need of, but are unable to procure, seed potatoes, and who the Guardians believe would be willing to purchase the same under this Act :
- 15 (d.) the forms of all estimates, circulars, notices, and receipts to be used by the Guardians under this Act :
- (e.) the times at which sums received by Guardians as the price of seed paid for in cash are to be paid to the Board of Works :
- 20 (f.) any other matter or thing, whether similar or not to those before mentioned in respect of which it may seem to the Local Government Board expedient to make rules and regulations for the purpose of carrying this Act into effect.

25 11.—(1.) Nothing in this Act shall prejudice or affect any proceedings which might have been instituted by the Board of Works or by any Guardians for the enforcement of any contract or the recovery of any debt. Savings.

(2.) No electoral disability or loss of parliamentary or other franchise shall be incurred by any voter by reason of the purchase of seed under this Act.

12. If at any time within three months before *the passing of this Act* the Board of Works have advanced money to any Guardians for the purchase of seed, the sum so advanced, or any part thereof remaining unpaid, shall be a charge upon the rates leviable on such electoral divisions in the union as the Local Government Board appoint; and such sum or part shall be repaid in the same manner as sums lent by the Board of Works to Guardians under the authority of this Act, and the provisions of this Act relative to the repayment of loans made under the authority of this Act shall apply to such loans made before *the passing of this Act*. Repayment of loans made by Board of Works.

A.D. 1895.

Confirma-
tion of ex-
penditure
Guardians,
and indem-
nity.

13. If at any time within three months before *the passing of this Act* any outlay has been made by any Guardians, with the sanction of the Local Government Board, for the purchase of seed for sale to occupiers of land or other persons qualified to purchase such seed under this Act in the union, such outlay, and all resolutions and pro-
ceedings of the board and of their officers in relation thereto, shall
be ratified and confirmed and be as valid and effectual as if the
outlay had been made, and the resolutions and proceedings had
been passed and taken under the authority and in compliance with
the provisions of this Act; and all persons who have acted in any
manner in making any loan to any Guardians, or in making any
advance of money to the Board of Works for the purpose of any
such loan, or in making such outlay for seed, shall be released and
indemnified from and against any penalties and surcharges in
consequence thereof.

15

Definitions.

14. In this Act—

The expression “poor rate” means any rate leviable under the Acts made for the relief of the poor in Ireland :

The expression “rateable value” means the annual rateable value under the Irish Valuation Acts, and where any land occupied
is not separately valued under those Acts, means such value as
the Guardians of the union determine would be the rateable
value if such premises were so separately valued :

The expression “Local Government Board” means the Local Government Board for Ireland :

25

The expression “Board of Works” means the Commissioners of Public Works in Ireland :

The expression “Guardians” means a Board of Guardians :

The expression “Irish Church Temporalities Fund” means the fund under the control of the Land Commission by virtue of
the Irish Church Act Amendment Act, 1881.

30

The expression “prescribed” means prescribed by rules made in pursuance of this Act.

44 & 45 Vict.
c. 71.

Seed Potatoes Supply (Ireland).

A

B I L L

To provide for the Supply of Seed
Potatoes to Occupiers and Cultivators of Land in Ireland.

(Prepared and brought in by
Mr. John Morley and Sir John Hibbert.)

*Ordered, by The House of Commons, to be Printed,
18 February 1896.*

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90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., Limited, 104, Grafton Street, Dublin.

[*Price 1½d.*]

[Bill 117.]

A

B I L L

TO

Amend the Shop Hours Act, 1892.

A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 **1.** If any employer fails to keep exhibited the notice required by section four of the Shop Hours Act, 1892, in manner required by that section, he shall be liable to a fine not exceeding *forty shillings*. Failure to keep exhibited notice of hours. 55 & 56 Vict. c. 62.
- 10 **2.** This Act may be cited as the Shop Hours Act, 1895, and shall be construed as part of the Shop Hours Act, 1892, and the Shop Hours Acts, 1892 and 1893, and this Act may be cited collectively as the Shop Hours Acts, 1892 to 1895. Short title and construction.

Shop Hours.

A

B I L L

To amend the Shop Hours Act, 1892.

(*Prepared and brought in by*
Mr. George Russell and Mr. Secretary Asquith.)

Ordered, by the House of Commons, to be Printed,
7 March 1895.

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90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price 3d.*]

[Bill 162.]

Shops (Early Closing) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Application to local authority, and order for closing of shops.
2. Provisions as to making and effect of order.
3. Provision as to amendment and revocation of order.
4. Decision of questions as to classification of shops.
5. Closing of shop where two or more trades carried on.
6. Fine for contravention of order.
7. Provision in case of offence committed by agent or servant.
8. Summary proceedings for enforcement of Act.
9. Saving for chemists.
10. Saving for sales to lodgers.
11. Service of application on local authority.
12. Definitions.
13. Commencement of Act.
14. Short title.

SCHEDULE.

A
B I L L

TO

Provide for the earlier closing of Shops.

A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 1.—(1.) If an application in writing is served on the local authority of any district, praying that, as regards all shops or any class of shops within the district, or any part of the district, belonging to any class or classes not mentioned in the schedule to this Act, an order may be made for the closing of such shops on each day or
- 10 any specified day or days of the week at such hour or hours, not earlier than the hours hereafter in this section mentioned, as may be specified in the application, and if the local authority are satisfied that the application is signed by not less than two thirds in number of the occupiers of shops within the district belonging to the class
- 15 or to each of the classes to which the application relates, the local authority may if they see fit make an order giving effect to the application.

Application to local authority, and order for closing of shops.

- (2.) The hour to be fixed for the closing of shops in pursuance of this section may on any one specified day of the week be any
- 20 hour not earlier than *one* o'clock in the afternoon, but save as aforesaid shall not on any day be earlier than *six* o'clock in the evening.

2. With respect to an order of a local authority under this Act the following provisions shall have effect; that is to say,—

- 25 (1.) The order shall take effect at a date named therein, being not less than *one* nor more than *two months* after the making thereof, and shall before that date be published in such manner as to the local authority making the order may appear best

Provisions as to making and effect of order.

[Bill 48.]

A 2

A.D. 1895.

fitted to insure publicity for the same, and on and after that date the order shall have effect as if it were enacted in this Act:

- (2.) The order shall (if the application to the local authority containing such limitation) be expressed to have effect only 5 during any specified part or parts of the year, and shall have effect accordingly, but, unless so limited, shall have effect throughout the year until revoked :
- (3.) The central authority shall make regulations as to the form of such orders and of applications for the same, and as to the 10 evidence to be produced respecting the proportion of persons signing such applications, and as to the classification of shops for the purposes of this Act; and any such regulations shall be published in such manner as the authority making the same may direct, and shall be duly observed. 15

Provision as to amendment and revocation of order.

3.—(1.) An order of a local authority under this Act may be amended by a subsequent order made upon the like application, and subject to the like provisions, and having the like effect as if it were an original order.

(2.) If at any time it is made to appear to the satisfaction of the 20 local authority that more than one third in number of the occupiers of shops to which an order for the time being in force under this Act relates, or of any class of such shops, are opposed to the continuance of the order, the local authority may revoke the said order, or revoke the same in so far as it affects such class of shops as 25 aforesaid, and thereupon the order, in so far as it is so revoked, shall cease to have effect, but the revocation of an order shall be without prejudice to the making of another order under this Act.

Decision of questions as to classification of shops.

4. If any question arises as to the classification of shops or trades for the purposes of this Act, or whether any particular shop or 30 shops is or are included in any class to which any of the provisions of this Act or any application or order under this Act extends, such question may be referred to the central authority, whose decision on such question shall be final.

Closing of shop where two or more trades carried on.

5. A shop in which trades of two or more classes are carried on 35 shall be closed for the purpose of all such trades at the hour at which it is by any order made under this Act required to be closed for the purpose of any of them.

Fine for contravention of order.

6. Where a shop is open after the hour at which it is required by an order made under this Act to be closed, the occupier of such 40 shop shall be liable to a fine not exceeding *five shillings*, and in

case of a second conviction not exceeding *twenty shillings*, and in case of a third or subsequent conviction not exceeding *five pounds*. A.D. 1895.

7.—(1.) Where an offence for which the occupier of a shop is liable under this Act to a fine has in fact been committed by some agent or servant of such occupier, such agent or servant shall be liable to the same fine as if he were the occupier. Provision in case of offence committed by agent or servant.

(2.) Where the occupier of a shop is charged with an offence against this Act or any order made thereunder, he shall be entitled, upon information duly laid by him, to have any agent or servant whom he charges as the actual offender brought before the court at the time appointed for hearing the charge; and if after the commission of the offence has been proved the court is satisfied that the occupier had used due diligence to enforce the execution of this Act and the said order, and that the agent or servant committed the offence in question without the knowledge, consent, or connivance of the occupier, the agent or servant shall be convicted of the offence, and the occupier shall be exempt from any fine.

8.—(1.) All offences against this Act or any order of a local authority made thereunder shall be prosecuted, and all fines under this Act shall be recovered, in like manner as offences and fines are prosecuted and recovered under the Factory and Workshop Act, 1878, and sections eighty-eight, eighty-nine, ninety, and ninety-one of the said Act, and the provisions relating to the application of the said Act to Scotland and Ireland, shall so far as they are applicable have effect as if re-enacted in this Act and in terms made applicable thereto: Summary proceedings for enforcement of Act. 41 & 42 Vict. c. 16.

Provided that in England or Ireland a prosecution shall not be instituted against any person for an offence against this Act or any order made thereunder except by or with the consent in writing of the chief officer of police having authority in the place where the offence was committed, or with the consent in writing of two justices of the peace, or of a stipendiary magistrate having jurisdiction in the place where such offence was committed; and such prosecution shall not be heard before the justices of the peace or stipendiary magistrate with whose consent the same has been instituted.

(2.) It shall be the duty in England and Ireland of every chief officer of police, and in Scotland of every procurator fiscal, to cause the provisions of this Act and of any order made thereunder to be duly enforced throughout the area in which he has authority.

9. A pharmaceutical chemist or chemist and druggist shall not be liable to any fine under this Act for supplying medicines, Saving for chemists.

A.D. 1895. — drugs, or medical appliances after the hour appointed by an order made under this Act for the closing of shops; but this section shall not be deemed to authorise a pharmaceutical chemist or chemist and druggist to keep open shop after the said hour.

Saving for
sales to
lodgers.

10. Nothing in this Act or in any order made thereunder shall 5 render the occupier of any premises liable to a fine for supplying any article to any person lodging in such premises.

Service of
application
on local
authority.

11. An application shall for the purposes of this Act be deemed to be duly served on the local authority if delivered at the office of that authority, addressed to that authority or their clerk. 10

Definitions.

12. In this Act, unless the context otherwise requires, the following words and expressions shall have the meanings hereby assigned to them respectively; that is to say,

“Shop” means any building or portion of a building, booth, stall, or place where goods are exposed or offered for sale by 15 retail, and includes a place where the business of a barber is carried on :

“Closed” means not open for the serving of any customer: provided that nothing in this Act or any order made thereunder shall be deemed to render unlawful the continuance in a shop 20 after the hour appointed for the closing thereof of any customers who were in the shop immediately before that hour, or the serving of such customers during their continuance therein :

“Local authority”—

25

(a.) in the City of London and the liberties thereof, means the mayor and commonalty and citizens of London acting by the common council; and

(b.) in the County of London, means the London County Council; and

30

(c.) elsewhere in England, means an urban or rural sanitary authority within the meaning of the Public Health Act, 1875; and

(d.) in Scotland, means the local authority under the Public Health (Scotland) Act, 1867; and

35

(e.) in Ireland, means an urban or rural sanitary authority within the meaning of the Public Health (Ireland) Act, 1878 :

“District” means the area in which a local authority has jurisdiction

40

38 & 39 Vict.

c. 55.

30 & 31 Vict.

c. 101.

41 & 42 Vict.

c. 52.

“Central authority”—

A.D. 1895.

(a.) in England, means the Local Government Board; and

(b.) in Scotland, means the Secretary for Scotland; and

(c.) in Ireland, means the Local Government Board for Ireland;

5 “Chief officer of police” means—

(a.) in the City of London and the liberties thereof, the Commissioner of City Police; and

(b.) in the Metropolitan Police District, the Commissioner or any Assistant Commissioner of Police of the metropolis; and

10 (c.) elsewhere in England, the chief constable or head constable, or other officer by whatever name called, having the chief local command of the police in any county, riding, parts, division, or liberty of a county, borough, town, place, or combination of places maintaining a separate police force; and

15 (d.) in the police district of Dublin metropolis, the Chief Commissioner of the Police for the said district; and

(e.) elsewhere in Ireland, the county inspector of the Royal Irish Constabulary in any district over which a county inspector is appointed.

20

13. This Act shall come into operation on the *first day of January, one thousand eight hundred and ninety-six*. Commencement of Act.

14. This Act may be cited as the Early Closing Act, 1895.

Short title.

A.D. 1895.

The SCHEDULE.

- Premises in which any intoxicating liquor is sold by retail for consumption on the premises.
- Refreshment houses, and places where hot cooked provisions are sold.
- Tobacconists shops.
- Newsagencies.

5

Shops (Early Closing).

A

B I L L

To provide for the earlier closing of
Shops.

*(Prepared and brought in by
Sir John Lubbock, Mr. Chamberlain,
Col. Bridgeman, Mr. Cameron Corbett,
Mr. C. Fenwick, Mr. Field, Mr. Keaney, and
Mr. Mather.)*

*Ordered, by The House of Commons, to be Printed,
8 February 1895.*

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90, West Nile Street, Glasgow; or
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[Price 1d.]

[Bill 48.]

Shops (Early Closing) Bill.

[AS AMENDED BY THE SELECT COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Application to local authority, and order for closing of shops.
2. Provisions as to making and effect of order.
3. Provision as to amendment and revocation of order.
4. Decision of questions as to classification of shops.
5. Closing of shop where two or more trades carried on.
6. Fine for contravention of order.
7. Provision in case of offence committed by agent or servant.
8. Summary proceedings for enforcement of Act.
9. Saving for chemists.
10. Saving for sales to lodgers.
11. Service of application on local authority.
12. Definitions.
13. Commencement of Act.
14. Short title.
- 15.
- 16.

SCHEDULE.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Provide for the earlier closing of Shops.

A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 **1.**—(1.) If an application in writing is served on the local authority of any district, praying that, as regards all shops within the district, or any part of the district, belonging to any class or classes not mentioned in the schedule to this Act, an order may be made for the closing of such shops on each day or any specified day or
- 10 days of the week at such hour or hours, not earlier than the hours hereafter in this section mentioned, as the local authority may determine; the local authority shall give such public notice of the application as will enable those interested to appear before them, and on being satisfied that not less than two thirds in number of the
- 15 occupiers of shops within the district or the part thereof belonging to the class or to each of the classes to which the application relates, have signed the application the local authority may if they see fit make an order giving effect to the application.

Application to local authority, and order for closing of shops.

- (2.) The hour to be fixed for the closing of shops in pursuance
- 20 of this section may on any one specified day of the week be any hour not earlier than two o'clock in the afternoon, but save as aforesaid shall not on any day be earlier than seven o'clock in the evening.

- 2.** With respect to an order of a local authority under this Act
- 25 the following provisions shall have effect; that is to say,—

Provisions as to making and effect of order.

- (1.) The order shall take effect at a date named therein, being not less than one nor more than two months after the making

[Bill 261.]

A 2

A.D. 1895.

thereof, and shall before that date be published in such manner as to the local authority making the order may appear best fitted to insure publicity for the same, and on and after that date the order shall have effect as if it were enacted in this Act:

(2.) The order may if the local authority see fit be expressed to have effect only during any specified part or parts of the year, and shall have effect accordingly, but, unless so limited, shall have effect throughout the year until amended or revoked :

(3.) The central authority shall make regulations as to the form of such orders and of applications for the same, and as to the evidence to be produced respecting the proportion of persons signing such applications, and shall by such regulations frame a general classification of shops for the purposes of this Act; and any such regulations shall be published in such manner as the authority making the same may direct, and shall be duly observed.

Provision as to amendment and revocation of order.

3.—(1.) An order of a local authority under this Act may be amended by a subsequent order made upon the like application, and subject to the like provisions, and having the like effect as if it were an original order.

(2.) If at any time it is made to appear to the satisfaction of the local authority that more than one third in number of the occupiers of shops to which an order for the time being in force under this Act relates, or of any class of such shops, are opposed to the continuance of the order, the local authority may revoke the said order, or revoke the same in so far as it affects such class of shops as aforesaid, and thereupon the order, in so far as it is so revoked, shall cease to have effect, but the revocation of an order shall be without prejudice to the making of another order under this Act.

Decision of questions as to classification of shops.

4. If any question arises as to the class or classes of shops to which any particular shop belongs, such question may be referred to a court of summary jurisdiction which may hear and determine the question.

Closing of shop where two or more trades carried on.

5. A shop in which trades of two or more classes are carried on shall be closed for the purpose of all such trades including any trade referred to in the schedule of this Act at the hour at which it is by any order made under this Act required to be closed for the purpose of any of them. Provided that nothing in this Act shall restrict the hours during which an intoxicating liquor may be sold on premises licensed for such sale.

6. Where a shop is open after the hour at which it is required by an order made under this Act to be closed, the occupier of such shop shall be liable to a fine not exceeding five shillings, and in case of a second conviction not exceeding *twenty shillings*, and in
 5 case of a third or subsequent conviction not exceeding *five pounds*.

A.D. 1895.

Fine for
contraven-
tion of order.

7.—(1.) Where an offence for which the occupier of a shop is liable under this Act to a fine has in fact been committed by some agent or servant of such occupier, such agent or servant shall be liable to the same fine as if he were the occupier.

Provision in
case of
offence com-
mitted by
agent or
servant.

10 (2.) Where the occupier of a shop is charged with an offence against this Act or any order made thereunder, he shall be entitled, upon information duly laid by him, to have any agent or servant whom he charges as the actual offender brought before the court at the time appointed for hearing the charge; and if after the com-
 15 mission of the offence has been proved the court is satisfied that the occupier had used due diligence to enforce the execution of this Act and the said order, and that the agent or servant committed the offence in question without the knowledge, consent, or con-
 20 venance of the occupier, the agent or servant shall be convicted of the offence, and the occupier shall be exempt from any fine.

8.—(1.) All offences against this Act or any order of a local authority made thereunder shall be prosecuted, and all fines under this Act shall be recovered, in like manner as offences and fines are prosecuted and recovered under the Factory and Workshop Act,
 25 1878, and sections eighty-eight, eighty-nine, ninety, and ninety-one of the said Act, and the provisions relating to the application of the said Act to Scotland and Ireland, shall so far as they are applicable have effect as if re-enacted in this Act and in terms made applicable thereto:

Summary
proceedings
for enforce-
ment of Act.
41 & 42 Vict.
c. 16.

30 (2.) It shall be the duty in England and Ireland of every chief officer of police, and in Scotland of every procurator fiscal, to cause the provisions of this Act and of any order made thereunder to be duly enforced throughout the area in which he has authority.

9. A pharmaceutical chemist or chemist and druggist shall not
 35 be liable to any fine under this Act for supplying medicines, drugs, or medical appliances after the hour appointed by an order made under this Act for the closing of shops; but this section shall not be deemed to authorise the shop of a pharmaceutical chemist or chemist and druggist to be open after the said hour, save so far
 40 as may be necessary for the purpose aforesaid.

Saving for
chemists.

A.D. 1895.

Saving for
sales to
lodgers.

10. Nothing in this Act or in any order made thereunder shall render the occupier of any premises liable to a fine for supplying any article to any person lodging in such premises. Nothing contained in any order made under this Act shall be deemed to interfere with the transaction of Post Office business by the 5 occupier of any shop who is also an officer of the Post Office.

Service of
application
on local
authority.

11. An application shall for the purposes of this Act be deemed to be duly served on the local authority if delivered at the office of that authority, addressed to that authority or their clerk.

Definitions.

12. In this Act, unless the context otherwise requires, the 10 following words and expressions shall have the meanings hereby assigned to them respectively; that is to say,

“Shop” means any building or portion of a building, booth, stall, or place where goods are exposed or offered for sale by retail, and includes a place where the business of a barber is 15 carried on :

“Closed ” means not open for the serving of any customer : provided that nothing in this Act or any order made thereunder shall be deemed to render unlawful the continuance in a shop after the hour appointed for the closing thereof of any 20 customers who were in the shop immediately before that hour, or the serving of such customers during their continuance therein :

“Local authority ”—

(a.) in the City of London and the liberties thereof, means the 25 mayor and commonalty and citizens of London acting by the common council; and

(b.) in the County of London, means the London County Council; and

(c.) in a county borough means the council thereof, and else- 30 where in England, means an urban or district council; and

(d.) in Scotland, means the local authority under the Public Health (Scotland) Act, 1867; and

(e.) in Ireland, means an urban or rural sanitary authority within the meaning of the Public Health (Ireland) Act, 35 1878 :

“District” means the area in which a local authority has jurisdiction

“Central authority ”—

(a.) in England, means the Secretary of State; and

40

38 & 39 Vict.
c. 55.30 & 31 Vict.
c. 101.41 & 42 Vict.
c. 52.

(b.) in Scotland, means the Secretary for Scotland ; and

A.D. 1895.

(c.) in Ireland, means the Local Government Board for Ireland ;

“ Chief officer of police ” means—

5 (a.) in the City of London and the liberties thereof, the Commissioner of City Police ; and

(b.) in the Metropolitan Police District, the Commissioner or any Assistant Commissioner of Police of the metropolis ; and

10 (c.) elsewhere in England, the chief constable or head constable, or other officer by whatever name called, having the chief local command of the police in any county, riding, parts, division, or liberty of a county, borough, town, place, or combination of places maintaining a separate police force ; and

15 (d.) in the police district of Dublin metropolis, the Chief Commissioner of the Police for the said district ; and

(e.) elsewhere in Ireland, the county inspector of the Royal Irish Constabulary in any district over which a county inspector is appointed.

13. This Act shall come into operation on the first day of 20 January, one thousand eight hundred and ninety-six. Commence-
ment of Act.

14. This Act may be cited as the Early Closing Act, 1895.

Short title.

15. Where an order in force under this Act requires shops to be closed at an hour earlier than seven o'clock on any day of the week, the occupier of any shop to which the order applies and 25 which is closed at such hour on any other day of the week, may apply to the local authority for an order substituting such day as regards such shop, and the local authority may at their discretion make an order accordingly.

16. Where two or more descriptions of business are carried on in 30 different parts of the same premises structurally separated from one another, the occupier shall in respect of each business be deemed to occupy a separate shop for the purposes of this section and of the other provisions of this Act.

A.D. 1895.

The SCHEDULE.

Premises in which any intoxicating liquor is sold by retail for consumption on or off the premises.

Refreshment houses, and places where cooked provisions are sold.

Tobacconists shops.

Newsagencies.

5

Shops (*Early Closing*).

A

B I L L

[AS AMENDED BY THE SELECT
COMMITTEE]

To provide for the earlier closing of
Shops.

(*Prepared and brought in by*
Sir John Lubbock, Mr. Chamberlain,
Col. Bridgeman, Mr. Cameron Corbett,
Mr. C. Fenwick, Mr. Field, Mr. Kearley, and
Mr. Mather.)

Ordered, by The House of Commons, to be Printed,
21 May 1895.

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PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

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JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
HODGES, FRODIP, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price 1d.*]

[Bill 261.]

A

B I L L

TO

Amend the Law relating to the tenure of Smaller
Dwellings in Burghs in Scotland.

A.D. 1895.

WHEREAS great inconvenience and hardship are experienced
by tenants of smaller dwelling-houses in Scotland in conse-
quence of the system of house letting which prevails, whereby
tenants are required to take their houses early in the year for the
5 period of one year from the term of Whitsunday then next :

And whereas it is expedient that said inconvenience and hardship
should be removed :

Be it therefore enacted by the Queen's most Excellent Majesty,
by and with the advice and consent of the Lords Spiritual and
10 Temporal, and Commons, in this present Parliament assembled,
and by the authority of the same, as follows :—

1. This Act may be cited for all purposes as the Smaller Short title.
Dwellings Tenure (Scotland) Act, 1895.

2. This Act shall extend to Scotland only, and shall come into
15 operation on the *first day of January one thousand eight hundred* Extent and
and ninety-six. commencement of Act.

3. In this Act "dwelling-house" shall mean a dwelling-house Definitions.
let at an annual value of not exceeding *fifteen pounds* of yearly
rental ; and "burgh" shall mean royal burgh, parliamentary
20 burgh, or any populous place, the boundaries whereof have been
or shall be fixed and ascertained under the General Police and
Improvement (Scotland) Act, 1862, or the Burgh Police (Scotland)
Act, 1892, or any Act amending the same, and "sheriff" shall
include sheriff substitute.

25 4. Either the landlord or the tenant of any dwelling-house, Notice for
within a burgh, may terminate the tenancy on the *twenty-eighth* termination
day of any month during the tenancy thereof by giving notice of of tenancy.
removal, the one to the other, by registered letter, at the address or
[Bill 161.]

A.D. 1895. last known address of the party to whom the intimation falls to be given, and that *twenty-eight* clear days before the day upon which it is desired the let should terminate, and that notwithstanding any custom or agreement to the contrary.

Exceptions
from
provisions of
Act.

5. This Act shall not apply to any dwelling-house with which a farm or garden is let as a pertinent or adjunct, nor to any dwelling-house which is let by probative lease, signed both by landlord and tenant, for a longer period than *one year*. 5

Provisions
for removal
of tenant.

6. Should any tenant fail to remove from any such dwelling-house upon the expiration of any notice of removal in terms of this Act, it shall be competent to any person authorised by law to pursue a removing therefrom to present a summary complaint to the sheriff of the territory, in the manner and to the effect prescribed in the Sheriff Courts (Scotland) Act, 1838. 10

Payment of
rates, &c.

7. All rates and assessments (excepting imperial taxes) leviable in respect of all such dwelling-houses shall be payable by the landlords of the same, who shall be entitled to recover the amount from their tenants, but the public authorities to whom the said rates and assessments are payable shall grant to the landlord an abatement at the rate of *ten* per cent. to cover the expenses and risk of collection. 15 20

Smaller Dwellings (Scotland).

A

B I L L

To amend the Law relating to the
tenure of Smaller Dwellings in
Burghs in Scotland.

(*Prepared and brought in by*
Mr. Alexander Cross, Sir James Carmichael,
and Mr. McGilgan.)

Ordered, by The House of Commons, to be Printed,
6 March 1895.

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30, West Nile Street, Glasgow; or
HODGERS, FREGGS, & CO., LIMITED, 104, Grafton Street, Dublin.

[*Price 1d.*]

[Bill 161.]

Small Tenants (Scotland) Bill.

MEMORANDUM.

This Bill proceeds upon the assumption that it is desirable to stay the diminution of small holdings in Scotland, and to give encouragement to the occupiers to make all necessary improvements. Any tenant of a farm of less annual value than 50*l.* may obtain a valued rent and security of tenure for seven years, with compensation for improvements, subject to certain conditions, the proprietor otherwise retaining the power to select his tenant. In the case of a tenancy coming under this Act being vacant for twelve months, or of its proposed consolidation with a larger farm, the county council could intervene.

This Act differs in many ways from the Crofters Act, to which it bears a certain superficial resemblance. It is based upon a clearly defined principle, the cost of proceedings under it would be low, falling solely on the owner and tenant; it enables county councils to prevent diminution in the number of small holdings, and it provides that the improvements more commonly executed by small tenants should be the property of the tenant, for which he would be entitled to compensation.

A

B I L L

TO

Amend the Law relating to the Tenure of Land in
Scotland by Small Tenants.

A.D. 1895.

WHEREAS it is expedient to amend the law relating to the
tenure of land in Scotland by small tenants:

Be it therefore enacted by the Queen's most Excellent Majesty,
by and with the advice and consent of the Lords Spiritual and
5 Temporal, and Commons, in this present Parliament assembled,
and by the authority of the same, as follows:

1. Subject to the provisions of this Act any small tenant herein- Fair rent.
after called the tenant shall be entitled to have a fair rent fixed for
his holding in the manner herein-after provided, and save by mutual
10 agreement the fair rent so fixed shall not be altered for *seven*
years herein-after called the statutory period.

2. During the currency of a statutory period the tenant shall Security of
not be removed from his holding save for breach of one or more of the tenure.
conditions following in this Act referred to as statutory conditions.

15 (1.) The tenant shall pay his rent at the terms at which it is due
and payable.

(2.) The tenant shall not execute any deed purporting to assign
his tenancy.

20 (3.) The tenant shall not to the prejudice of the interest of the
landlord persistently injure the holding by the dilapidation of
buildings or after notice has been given by the landlord to the
tenant not to commit or to desist from the particular injury
specified in such notice by the deterioration of the soil.

25 (4.) The tenant shall not sub-divide his holding or sublet the
same or any part thereof, or any building thereon.

(5.) The tenant shall not do any act whereby he becomes notour
bankrupt within the meaning of the Bankruptcy (Scotland)
Act, 1856, and the Debtors (Scotland) Act, 1880, and shall
not execute a trust deed for behoof of creditors:

[Bill 165.]

A 2

A.D. 1895.

(6.) The landlord, or any person or persons authorised by him in that behalf (he or they making reasonable compensation for any damage to be done or occasioned thereby), shall have the right to enter upon the holding for any of the purposes following (that is to say):

5

Mining or taking minerals, or digging or searching for minerals;

Quarrying or taking stone, marble, gravel, sand, clay, slate, or other workable mineral;

Cutting or taking timber or peats, excepting timber and 10 other trees planted by the tenant or his predecessors in the holding, being of the same family, or that may be necessary for ornament or shelter, and excepting also such peats as may be required for the use of the holding;

Opening or making roads, fences, drains, and watercourses; 15

Passing and re-passing to and from the shore of the sea or any loch with or without horses and carriages for exercising any right of property or other right belonging to the landlord;

Viewing or examining at reasonable times the state of the 20 holding and all buildings or improvements thereon;

Hunting, shooting, fishing, or taking game or fish, wild birds, or vermin. The word "game" for the purposes of this sub-section means deer, hares, rabbits, pheasants, partridges, quails, landrails, grouse, blackgame, capercailzie, 25 ptarmigan, woodcock, snipe, wild duck, widgeon, and teal;

And the tenant shall not obstruct the landlord, or any person or persons authorised by him in that behalf as aforesaid, in the exercise of any right reserved or conferred by this sub-section.

(7.) The tenant shall not on his holding, without the consent of 30 his landlord, open any house for the sale of intoxicating liquors.

Removal.

3. When *one year's* rent of the holding, but less than *two years'* rent is due and unpaid, the tenant shall be liable to be removed in manner provided by section twenty-seven of the Agricultural Holdings (Scotland) Act, 1883.

35

When *two years'* rent of the holding is due and unpaid, and when the tenant has broken any other of the statutory conditions, he shall forfeit his tenancy, and shall be liable to be removed in manner provided by the fourth section of the Act of Sederunt anent Removing of the fourteenth day of December one thousand 40 seven hundred and fifty-six.

4. A tenant shall be entitled upon *one year's* notice to the landlord to renounce his tenancy as at any term of Whitsunday or Martinmas. A.D. 1895.
Renunciation
of tenancy.

5. A tenant may by will or other testamentary writing bequeath his right to his holding to one person being a member of the same family—that is to say, his wife or any person who failing nearer heirs would succeed to him in case of intestacy (herein-after called “the legatee”) subject to the following provisions:— Bequest of
tenancy.

(a.) The legatee shall intimate the testamentary bequest to the landlord or his known agent within *forty days* after the death of the tenant, unless he is prevented by some unavoidable cause from making intimation within that time, and in that event he shall make intimation as soon as possible thereafter :

(b.) Intimation to the landlord or his known agent by the legatee shall import acceptance of the tenant's right to the holding by the legatee :

(c.) Within *one month* after intimation has been made to the landlord or his known agent, he may intimate to the legatee that he objects to receive him as tenant in the holding :

If the landlord or his known agent makes no such intimation within one month, the legatee shall come into the place of the tenant in the holding as from the date of the death of the deceased tenant.

(d.) If the landlord or his known agent intimates that he objects to receive the legatee as tenant in the holding, the legatee may present a petition to the sheriff, praying for decree declaring that he is the tenant therein as from the date of the death of the deceased tenant, of which petition due notice shall be given to the landlord, who may enter appearance and state his grounds of objection; and if any reasonable ground of objection is established to the satisfaction of the sheriff, he shall declare the bequest to be null and void; but otherwise he shall decern and declare in terms of the prayer of the petition :

(e.) The decision of the sheriff under such petition as aforesaid shall be final in all respects :

(f.) Where the legatee shall have presented a petition to the sheriff as aforesaid, the legatee pending any proceedings shall have possession of the holding unless the sheriff shall otherwise direct on cause shown :

(g.) If the legatee shall accept the bequest, and the bequest is not declared to be null and void as aforesaid, the legatee shall

A.D. 1895.

be entitled to possess the holding on the same terms and conditions as if he had been the nearest heir of the tenant:

- (h.) If the legatee does not accept the bequest, or if the bequest is declared to be null and void as aforesaid, the right to the holding shall descend to the heir of the tenant in the same manner as if the bequest had not been made. 5

Compensation for improvements.

6. At the end of a statutory period, or when during the currency thereof, the tenant renounces his tenancy or is removed from his holding, the tenant shall be entitled to compensation for any improvements on the said holding executed or paid for by him or his predecessors in the same family, provided that,— 10

- (1) the improvements are suitable to the holding;
- (2) the improvements have not been already taken into account in the fixing of a fair rent for the holding, or been executed in virtue of any specific agreement under which the tenant was bound to execute such improvements. 15

Principle of valuation.

7. Improvements shall be valued under this Act at such sum as fairly represents the value of the improvement to an incoming tenant, provided that in fixing the amount of compensation payable, the value of any assistance or consideration which may be proved to have been given by the landlord or his predecessors in title, shall be taken into account and deducted from such compensation, and provided also, that the amount of compensation shall be subject to deduction of any sums due to the landlord— 20

- (1) for rent payable in respect of the holding; 25
- (2) for any taxes, rates, public burdens, interest, moneys payable in respect of drainage, or premiums of insurance payable in respect of the holding, for which the tenant is liable as between him and the landlord.
- (3.) For the breach of any contract relative to the holding committed by the tenant within the *four years* preceding the determination of the tenancy. 30
- (4.) For any deterioration committed or permitted by the tenant within the four years preceding the determination of the tenancy. 35

And that there shall be added to the amount of compensation any sum due by the landlord to the tenant for compensation in respect of any stipulation in any contract relating to the holding or his tenancy thereof.

Notice claim.

8. Notwithstanding anything in this Act, a tenant shall not be entitled to compensation under this Act unless *two months* at least before the determination of the tenancy he gives notice to the 40

landlord of his intention to make a claim for compensation under this Act. And whether a tenant has given such notice or not, the landlord may, before the determination of the tenancy, or within *fourteen days* thereafter, give notice to the tenant of his intention
5 to make a claim for compensation under sub-sections (3) and (4) of section seven hereof. Any notice of claim shall state, as far as reasonably may be, the particulars and amount of the intended claim.

A.D. 1895.

9. If the landlord and the tenant do not agree on the amount and mode and time of payment of compensation to be paid to the
10 tenant or to the landlord under this Act, the difference shall be settled by a reference to a single referee, in which the procedure shall as far as possible be the same as that hereinafter prescribed with reference to the fixing of a fair rent.

Reference.

10. Where the tenant desires to have a fair rent fixed he shall
15 intimate to the landlord that he desires to enter into a reference. The reference shall be to a single referee, who shall be appointed as follows :—

Appointment of referees.

(1.) If the parties concur the referee may be appointed by them jointly.

20 (2.) In the event of the parties failing to concur in the appointment of a referee, it shall be competent for either party, after *seven* days notice to the other, to apply to the sheriff, who shall within *fourteen* days after such application appoint from the list herein-after mentioned a competent and impartial
25 person to be referee; provided always, that if, in the special circumstances of the case, the sheriff shall consider it expedient, it shall be competent for him to appoint a referee who is not on the list.

(3.) If before an award is pronounced the referee dies or becomes
30 incapable of acting, or if the referee is removed by the sheriff, or if for *seven* days after notice from the parties of his appointment, he fails to accept the reference and to act, the proceedings shall begin afresh as if no referee had been appointed.

11. The referee may visit and inspect the holding and may call
35 for the production of any evidence which is in the possession or power of either party, or which either party can produce, and which seems to him necessary for the determination of the question between the parties, and may take the examination of the parties and witnesses on oath, and may administer oaths and take affirmations; and if any person so sworn or affirming wilfully and
40 corruptly gives false evidence he shall be guilty of perjury.

Power of referee.

12. The referee may proceed in the absence of either party where this course appears to him expedient, after notice given to the parties.

Power to proceed in absence.

A.D. 1895.

Award.

13. Except where the parties concur in prolonging the time, the referee shall pronounce and sign his award, and shall have the same ready for delivery within *six months* after the date of his accepting of his appointment, and in the event of his failure in this respect he shall have no claim for any fee or fees payable as herein-after 5 provided, and may, on the application of either party, be removed by the sheriff.

The award shall in all cases be final.

Expenses.

14. The expenses of and connected with the reference, including the remuneration of the referee and other proper expenses, shall be 10 borne and paid by either party in whole or by the parties in such proportions as the referee shall consider just, regard being had to the reasonableness or unreasonableness of the parties or either of them, and to the whole circumstances of the case.

The award may decern for the payment of the whole or any part 15 of the expenses by either party to the other, and in that case the award shall specify the amount to be so paid.

The amount of the expenses shall be subject to taxation by the auditor of the Sheriff Court on the application of either party.

Table of fees.

15. The fees payable in, and in connexion with all proceedings 20 under this Act, other than the fees payable by the parties to their law agents shall be those set forth in the schedule hereto, and where expenses are awarded by the referee to one party against the other, the amount allowed by the auditor in respect of law agents' fees, exclusive of outlays, shall in no case exceed the sum of *five pounds* 25 sterling. The fees of law agents and all other fees and charges, saye and except those set forth in the schedule hereto, shall be those in Scale I. sanctioned by the Act of Sederunt of December 4th, 1878.

Recovery of Compensation.

16. Where any money agreed or awarded to be paid for com- 30 pensation, expenses, or otherwise, is not paid within *one month* after the time when it is agreed or awarded to be paid, it shall be competent to record the agreement or award in the books of the Sheriff Court to the effect of enabling execution to pass thereon in common form as upon an extract registered bond or decree 35 arbitral.

Award fixing fair rent.

17. Every award fixing the fair rent for a holding shall specify the nature and extent of the holding, the condition and value of the buildings thereon and the condition of the soil, and such other particulars as have been taken into consideration by the referee in 40 fixing the fair rent.

18. There shall be kept in the sheriff clerk's office of each county a book to be called the "Small Holdings Register." In this book the sheriff clerk shall immediately on its being lodged with him record every award fixing the fair rent for a holding, and every
 5 award in a reference under section twenty hereof and no such award be valid or effectual until it has been so lodged for recording. Where any county is divided into Districts for judicial purposes there shall, instead of one "Small Holdings Register" for the whole county be a Small Holdings Register for each district applicable to
 10 the holdings situated therein and kept by the resident sheriff clerk or sheriff clerk depute.

A.D. 1895.
 Register.

19. Each county council shall annually prepare a list of not less than seven or more than fifteen competent and impartial persons resident within its district suitable to be referees in all references
 15 arising under this Act.

County
 council list
 of Referees.

20. On the determination of the tenancy of any holding with reference to which an award of fair rent has been entered in the small holdings register, it shall be competent to the landlord to let the same, either to the former tenant or to any other person whom
 20 he may select, provided always, that if within *twelve months* from the determination of such tenancy the holding shall not have been let to an occupying tenant, it shall be competent for the county council to call upon the landlord to let the holding to them with power to sublet or in their option to feu or to sell the same to them.

Power to
 county
 council to
 expropriate,
 &c.

25 In every such case the rent feu duty or price to be paid by the county council shall be determined by a reference in the manner herein-before provided, and the award in every such reference shall specify the particulars prescribed in the case of an award fixing the fair rent for a holding, and shall be entered in the "Small
 30 Holdings Register" for the county or district.

21. Every notice, application, claim, intimation, appointment, agreement, or award under this Act shall be in writing, otherwise the same shall be invalid and of no force or effect, but such writing need not be probative according to the forms prescribed by the law
 35 of Scotland.

Writing
 required.

22. In this Act—

"Small tenant" means the tenant of a "small holding" whether under lease or not who resides on his holding.

Interpreta-
 tion.

40 "Small holding" means an agricultural subject held by a tenant whether arable or pasture, or partly arable and partly pasture, the annual rent of which does not exceed fifty pounds

A.D. 1895.

sterling, but does not include garden or policy ground only appurtenant to a house.

“Determination of tenancy” means the expiry of the tenancy by reason of effluxion of time or from any other cause.

“Landlord” means any person for the time being entitled to receive the rents and profits of, or to take possession of any small holding.

“Sheriff.” includes sheriff substitute.

Comment
and short
title.

23. This Act shall come into force on the *first day of January one thousand eight hundred and ninety*, shall apply to Scotland only, and may be cited for all purposes as the Small Tenants (Scotland) Act, 1895.

SCHEDULE.

A.D. 1895.

I. FEES PAYABLE TO SHERIFF CLERK.

					£	s.	d.
	Every application to sheriff	-	-	-	-	0	2 0
5	Every order appointment or decree by sheriff	-	-	-	-	0	2 0
	Recording award in small holdings register	-	-	-	-	0	5 0

II. FEE PAYABLE TO—

	Sheriff court auditor for taxation	-	-	-	-	0	5 0
--	------------------------------------	---	---	---	---	---	-----

III. FEES AND DUES OF REFERENCE.

10	1. Fixing fair rent, feu duty, or price—						
	<i>To referee—</i>						
	When present rent under 20 <i>l.</i>	-	-	-	-	2	2 0
	When present rent over 20 <i>l.</i> and under 35 <i>l.</i>	-	-	-	-	3	3 0
	When present rent over 35 <i>l.</i> and under 50 <i>l.</i>	-	-	-	-	4	4 0
15	<i>To clerk</i>	-	-	-	-	1	1 0
	2. Fixing compensation—						
	<i>To referee—</i>						
	When total claims submitted for adjudication are under 50 <i>l.</i>	-	-	-	-	2	2 0
20	When total claims submitted for adjudication are over 50 <i>l.</i> and under 100 <i>l.</i>	-	-	-	-	3	3 0
	And for each 50 <i>l.</i> or part thereof additional	-	-	-	-	1	1 0
	<i>To clerk</i>	-	-	-	-	1	1 0

The referee and clerk shall in all cases be also entitled to their
 25 actual travelling expenses and to sustenance money for each day
 engaged away from home at the rate of per day—

	Referee	-	-	-	-	-	0 15 0
	Clerk	-	-	-	-	-	0 10 0

Small Tenants (Scotland).

A

B I L L

To amend the Law relating to the
Tenure of Land in Scotland by
Small Tenants.

(Prepared and brought in by
*Captain Sinclair, Mr. Buchanan, Mr. Crombie,
Dr. Farguharson, Mr. Tennant, and Mr. Wason.*)

*Ordered, by The House of Commons, to be Printed,
12 March 1895.*

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90, West Nile Street, Glasgow; or
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[*Price 1½d.*]

[Bill 165.]

A

B I L L

FOR

Settling and securing an Annuity upon the Right Honourable Arthur Wellesley Peel in consideration of his eminent Services. A.D. 1895.

Most Gracious Sovereign,

WHEREAS the Commons of the United Kingdom of Great Britain and Ireland did, by an humble address to Your Majesty, pray Your Majesty that you would be graciously pleased
5 to confer some signal mark of your royal favour upon the Right Honourable Arthur Wellesley Peel, Speaker of the House of Commons, for his eminent services during the important period in which he had with such distinguished ability and dignity presided in the Chair of the House, and did assure Your Majesty that
10 whatever expense Your Majesty should think proper to be incurred upon that account the said House would make good the same :

And whereas Your Majesty in answer to the said address was graciously pleased to declare that Your Majesty was desirous, in compliance with the wishes of your faithful Commons, to confer
15 upon the said Right Honourable Arthur Wellesley Peel some signal mark of your royal favour, but as the same could not be effectually granted and secured without the concurrence of Parliament, Your Majesty recommended to the House of Commons the adoption of such measures as might be necessary for the
20 accomplishment of that purpose :

Now we, Your Majesty's most dutiful and loyal subjects the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, have resolved that the annual sum of four thousand pounds be granted to Your Majesty out of the Consolidated Fund of the United Kingdom, to begin upon the day
25 upon which the Right Honourable Arthur Wellesley Peel, late Speaker of the House of Commons, ceased to hold the office of Speaker of the House of Commons, to be settled in the most

[Bill 211.]

A.D. 1895. — beneficial manner upon, and to continue during the life of, him the said Right Honourable Arthur Wellesley Peel, and do most humbly beseech Your Majesty that it may be enacted, and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and 5 Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

An annuity of 4,000*l.* to be paid to the Right Honourable Arthur Wellesley Peel.

[See 52 & 53 Vict. c. 42. s. 32.]

Treasury to direct payment of annuity.

Short title.

1. One annuity of *four thousand pounds* shall be charged upon and payable quarterly out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, to the Right Honourable 10 Arthur Wellesley Peel, during his natural life, beginning on the day upon which he ceased to hold the office of Speaker of the House of Commons; provided that *one half* of the annuity shall abate and be suspended during any period that the said Right Honourable Arthur Wellesley Peel hereafter holds any place, office, 15 or employment under Her Majesty of equal or greater amount in salary, profits, or emolument than the amount of the annuity.

2. The Treasury are hereby authorised and required by warrants under their hands to direct the payment of the said annuity according to the provisions of this Act. 20

3. This Act may be cited as Mr. Speaker's Retirement Act, 1895.

Mr. Speaker's Retirement Bill.

A

B I L L

For settling and securing an Annuity
upon the Right Honourable Arthur
Wellesley Peel in consideration of
his eminent Services.

(*Prepared and brought in by*
Mr. Mellor, Mr. Chancellor of the Exchequer,
and Sir John Hibbert.)

Ordered, by The House of Commons, to be Printed,
24 April 1895.

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80, West Nile Street, Glasgow; or
HODGES, FRODIP, & CO., LIMITED, 104, Grafton Street, Dublin.

[*Price ½d.*]

[Bill 211.]

Special Juries Bill.

MEMORANDUM.

The object of the Bill is to remove some of the hardships to which special jurymen are subject, by being required to attend for an indefinite, and often a long time at the assizes.

By section 108 of the Common Law Procedure Act, 1852, the maximum number of special jurymen which the sheriff can summon is 48.

After allowing for deaths and for persons who are entitled to be excused, the number remaining is not sufficient to make up two panels, consequently the whole number of jurymen have to remain in attendance until the special jury cases are finished.

It is proposed by the Bill—

- (1.) To repeal the limitation of the number 48 and to allow the sheriff to summon any number of special jurymen not exceeding 96 in all.
- (2.) To empower the sheriff, with the consent of the judge of assize, to summon a certain number of jurymen for the first part of the assize and a certain number for the remainder of the assize; and
- (3.) To empower the sheriff, with the like consent, either to relieve the jurymen who have been summoned from further attendance, or to excuse them for a day or more if it is found that their services will not be required.

By section 20 of the Juries Act, 1870, the summonses for jurymen have to be served only six days before the jurymen are required to attend.

In order to give facilities to special jurymen to make their arrangements the Bill proposes that the summonses shall be served 14 days at least before the day on which the jurymen are required to attend the court.

The Bill as drawn is limited to the Liverpool and Manchester Assizes, but by amendment it can be made general if desired.

A

B I L L

FOR

Amending the Law as to Special Juries.

A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 1. On and after the *first day of January one thousand eight hundred and ninety-six* so much of section one hundred and eight of the Common Law Procedure Act, 1852, as limits the number of special jurymen which the precept issued by the judges of assize may direct the sheriff to summon to try special jury causes at the
 10 assizes to be holden in and for the West Derby and Salford Hundreds of Lancashire respectively shall be repealed, and the judges of assize shall have power on and after the said date to issue their precept directing the sheriff to summon any number of special jurymen (not exceeding ninety-six in all) to try special jury causes
 15 at the said assizes, and the said special jurymen and each of them shall be required to attend upon such day or days appointed for hearing of special jury causes at the said assizes as the sheriff, with the consent of the judges of assize, shall in his summons or subsequently in writing direct, and shall not otherwise be required to
 20 attend or be liable to any penalty for non-attendance.

Amendment
of law as to
number of
special
jurors to be
summoned.

2. On and after the said date section twenty of the Juries Act, 1870, shall, so far as the special jurors summoned to try the special jury causes at the assizes to be holden for the said hundreds of Lancashire respectively are concerned, be read and have effect as if
 25 the word *fourteen* were inserted throughout the said section in substitution for the word six.

Notice to
special
jurors.

3. This Act may be cited as the Special Juries (Liverpool and Manchester) Act, 1895. Short title.

Special Juries.

A

B I L L

For amending the Law as to Special Juries.

(*Prepared and brought in by*
Mr. Long, Lord Stanley, Sir William
Houldsworth, and Sir Henry Roscoe.)

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and 90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & CO., LIMITED, 104, Grafton Street, Dublin.

[*Price 1d.*]

[Bill 111.]

Sport Regulation Bill.

MEMORANDUM.

This Bill aims at the abolition of the various forms of so-called sport, the distinguishing mark of which is that the animal which is the object of the sport, though nominally wild, is in fact kept in confinement and released for the immediate purpose of the sport. The Bill does not apply to any form of sport which is concerned with really wild animals.

The Cruelty to Animals Acts, 1849 and 1854, with the exception of a section which relates to fighting and baiting animals, apply exclusively to domestic animals. At present the animals which this Bill is intended to protect enjoy no legal protection whatever from any kind of cruelty.

A

B I L L

TO

Prohibit the Hunting, Coursing, and Shooting of Animals kept in Confinement: A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

- 5 **1.**—(1.) Any person who either—
- (a) takes part or assists in the hunting, coursing, or shooting of any animal which has been kept in confinement, and is released for the purpose of such hunting, coursing, or shooting; or
- (b) keeps or uses, or assists in the management of any place for
- 10 the purpose of such hunting, coursing, or shooting, or permits any place to be so used,
- shall be liable, on conviction in manner provided by the Summary Jurisdiction Acts, to a penalty not exceeding *twenty pounds* for each day on which he commits such offence.
- 15 (2.) Any person who receives money for the admission of any other person to any place kept or used for the purpose aforesaid shall be deemed to be the keeper of that place.
- (3.) This Act shall not apply to the shooting of any bird which has been released before the day when such shooting takes place.
- 20 **2.** This Act may be cited as the Sport Regulation Act, 1895.

Prohibition
of hunting,
coursing, and
shooting of
animals kept
in confine-
ment.

Short title.

Sport Regulation.

A

B I L L

To prohibit the Hunting, Coursing, and
Shooting of Animals kept in Con-
finement.

(*Prepared and brought in by*

*Mr. Alpheus Morton, Sir John Barran,
Mr. John Burns, Mr. Diamond, Major-General
Galsworthy, Major Jones, Mr. Macdonald,
Mr. E. J. C. Morton, and Mr. Scheyann.*)

*Ordered, by The House of Commons, to be Printed,
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80, West Nile Street, Glasgow; or
HODGES, FROGGS, & Co., Limited, 104, Grafton Street, Dublin.

[*Price 1d.*]

[Bill 94.]

A

B I L L

TO

Provide for Certificates to Persons in charge of Steam
Engines and Boilers.

A.D. 1895.

WHEREAS it is expedient that steam engines and boilers on land should be placed in charge of persons duly conversant, from practical experience, with their construction and management :

5 Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as the Engines and Short title.
10 Boilers Act, 1895.

2. This Act shall extend to the whole of the United Kingdom, Extent and application of Act.
but shall not apply to any boiler used exclusively for domestic purposes, or to any steam engine or boiler used in the service of Her Majesty, or to any steam engine or boiler used in propelling a
15 steamship having a certificate from the Board of Trade in accordance with the Merchant Shipping Act Amendment Act, 1862, except in cases where such steamer is in dock and the certified engineer is off duty for the time being, when in such cases this Act shall apply to any person who may be placed in charge of steam
20 donkey pumps, steam winches, or other machinery worked by steam on board the said vessel or steamer.

3. This Act shall come into operation on the *first day of January one thousand eight hundred and ninety-six*, which day is Commencement of Act.
herein-after referred to as the commencement of this Act.

25 4. In this Act "boiler" means any closed vessel used in any trade, manufacture, or mining, or other industrial employment on land for the generation or use, under pressure, of steam for the production of motive power ; "engine" means any machinery used

[Bill 7.]

A

A.D. 1895. for a like purpose and worked by steam from a boiler, as herein defined; and "engine or boiler user" means every person who owns or uses in whole or in part, or who lets for hire, an engine or boiler.

The term "court of summary jurisdiction" means any court or justice of the peace, metropolitan police magistrate, stipendiary magistrate, sheriff, sheriff substitute, or other magistrate or officer, by whatever name called, exercising jurisdiction in summary proceedings for the recovery of penalties.

"Examiner" means any person appointed to examine applicants for certificates of qualification under this Act.

"Horse power" means nominal, and shall not include "indicated" or other trade terms other than the words "nominal horse power."

Certificates
of service.

5. Every person who, before the *first day of January one thousand eight hundred and ninety-six*, has had the practical control or management, for a period of not less than *one year*, of a steam engine exceeding five horse power, or steam boiler or any closed vessel for the generation of steam for such engine, at any works, railway, or manufactory in the United Kingdom, or on any river or coasting steamer of like power or pressure, shall be entitled to a certificate of service, to be delivered to him by the Board of Trade, on satisfactory proof that he has had such experience, and is a person of sobriety and general good conduct.

Seagoing
engineers
with certifi-
cates under
this Act.

6. A certificate of competency issued to any engineer by the Board of Trade, under the Merchant Shipping Acts, shall be deemed to be a certificate of competency under this Act; and the holder thereof, when using it as a certificate of competency under this Act, shall be subject to the regulations in force under this Act, and to the penalties and liabilities imposed by this Act.

Appoint-
ment of
examiners.

7. The Board of Trade shall from time to time appoint examiners with a practical and mechanical experience or knowledge of steam engines and boilers to conduct the examination of persons applying for first-class certificates of competency, and may from time to time make, alter, and revoke rules as to the qualification of the applicants, subject to the provisions of this Act, and fix districts for which any examiners are to be appointed, and determine the amount of remuneration of examiners, and make and alter regulations in relation to examinations, the qualifications to be required from applicants for certificates, and to the issuing and registration of certificates, and generally do all such acts as they think expedient in order to carry into effect the examination of applicants for certificates of competency.

8. The Board of Trade shall deliver to every person who is reported by the examiners to have passed the examination satisfactorily, and to have given satisfactory evidence of his sobriety and general good conduct, a certificate of competency. A.D. 1895.
Certificates of competency.

5 9. Whenever such examiner or examiners shall hold an examination, they shall advertise the same in two local newspapers not less than fourteen days prior to such court being held. Notice of examinations.

10 10. The Board of Trade shall have power to charge as fees for examination or the granting of certificates at the following rates :— Fees for examination.
10 For applicants for examination or granting of first-class certificates the sum of *five shillings*, and in that of second-class certificates the sum of *two shillings and sixpence*.

15 11. The Board of Trade may at any time, whenever it appears expedient to do so, owing to the neglect, misconduct, or incompetency of any person holding a certificate, suspend, or cancel altogether, any certificate of competency or qualification; and they may at any time, on appeal being made to them by the person whose certificate has been suspended, and on production of evidence in favour of his appeal, re-issue any suspended certificate, with a Certificates cancelled or suspended.
20 statement to that effect appended thereon.

12. A register shall be kept by the Board of Trade, and printed annually, showing the names of persons who have received certificates from examiners, the date such were granted, or if suspended, the cause of the same, and if such suspension be cancelled, the Register of certificates.
25 reasons and conditions on which it has been re-issued.

13. Certificates under this Act shall be known as (a) first-class certificates, (b) second-class certificates, and (c) certificates of service, the first-class certificates being granted after examination by duly appointed examiners, and the second-class certificates by Certificates first and second class.
30 written applications to the Board of Trade, under conditions hereafter provided for.

14. In accordance with the provisions of this Act no person shall, after the *first day of January one thousand eight hundred and ninety-six*, be in charge of a steam engine exceeding five Provisions as to persons in charge of steam engines or boilers.
35 horse power, or steam boiler, or any closed vessel for the generation of steam for such steam engine, at any works, railway, or manufactory in the United Kingdom, or on any river or coasting steamer of like power or pressure, unless such person is in possession of a first-class certificate or a certificate of service;
40 provided that on any works or establishment where there are more than one steam engine or boiler exceeding five horse power, it shall

A.D. 1895. be sufficient for the purposes of this Act if there be one person constantly in charge who shall be the holder of a first-class certificate of competency or a certificate of service and the other persons shall be the holders of at least second-class certificates.

Second-class
certificates.

15. The applicant for a second-class certificate shall do so 5
in writing, on a prescribed form, to the Board of Trade; the
application shall be accompanied by testimonials as to character
and fitness, signed by not less than two persons who are holders
of first-class certificates under this Act, provided that no person
under eighteen years of age shall hold a certificate except only 10
for the purpose of having the control or charge of an engine of
not more than two horse power.

Locomotive
engine
drivers and
stokers.

16. In the case of locomotive drivers and stokers employed on
any railway in the United Kingdom, the conditions for the granting
of first and second class certificates shall be as follows:— 15

Any locomotive fireman or stoker desiring to secure a first-class
certificate shall make a written application to the Board of Trade,
and if he satisfy the Board of Trade that for a period of not
less than *six years* up to the date of such application he has
continuously followed the occupation of a locomotive fireman 20
or stoker, and satisfy the examiners under this Act that he has
a practical knowledge of the construction or management of
locomotive engines, and is of good character, he shall be entitled
to a first-class certificate of competency.

Any person desiring to secure a second-class certificate shall 25
make a written application to the Board of Trade, and if he satisfy
the Board of Trade that he has been continuously employed, for a
period of not less than *twelve months* up to the date of application,
at work affording him a practical knowledge of the construction or
management of locomotive engines, and is of good character, he 30
shall be entitled to a second-class certificate.

Engine
drivers at
mines or
collieries.

17. No person, unless in the possession of a first-class certificate
under this Act, shall be placed in charge of, or have the control of,
any steam engine used in connexion with any coal or other mines,
for the purpose of winding minerals or workmen from said mines, 35
nor shall any person employed about such mines have the control
of any steam boilers, engines, or machinery other than winding
engines, who is not in possession of a second-class certificate under
this Act.

No person in charge of any winding engine in connexion with 40
the working of any mine shall, under any pretext whatever, unless
relieved by a person for that purpose, holding a first-class certificate,

absent himself or cease to have continual supervision of such winding engine during the time it is used in working the mine. A.D. 1895.

18. Applicants for first-class certificates as colliery engine attendants shall produce evidence as to fitness by practical knowledge in the construction or management of steam engines, or steam boilers, or have been the holders of second-class certificates for at least *twelve months*, and during that period have had at least three months experience in assisting at a winding engine. Evidence as to fitness of applicant.

19. Applicants for second-class colliery engine attendants certificates must produce evidence that they have, within a period of two years prior to the date of examination, had at least *six months* experience as assistants in the working of engines or machinery used for mining purposes. Evidence as to experience of applicant.

20. Applicants for first or second class certificates must give satisfactory proof that neither their hearing or eyesight is defective, nor are they subject to any other mental or bodily infirmity likely to interfere with the efficient discharge of their duties. Proof as to hearing and eyesight.

21. No steam tram or steam traction engine shall be worked on any highway without the person in charge of same is in possession of a first-class certificate under this Act. Steam trams or traction engines.

22. Portable engines used for agricultural purposes, if under five horse power, shall be under the control of persons holding at least a second-class certificate; but if such portable engine exceeds five horse power, the same shall be under the control of a person holding a first-class certificate. Further regulations as to portable engines.

In cases of small trading vessels, fishing trawlers, pleasure yachts, or other vessels propelled by steam power, the steam engines or steam boilers of the same shall, if exceeding five horse power, be in charge of a person in possession of a first-class certificate, and in cases where the steam engines or steam boilers of such vessels do not exceed five horse power shall be in charge of a person possessing a second-class certificate, on conditions to be hereafter laid down by the Board of Trade. Small trading vessels, &c.

Every engine or boiler to which this Act applies shall be placed and kept at all times, when at work, under the supervision of some person holding a certificate of qualification under this Act, and no one person shall undertake, operate, other than the supervision of a greater number of engines or boilers, or of engines or boilers situate at a greater distance from one another, than may be prescribed by any regulations of the Board of Trade for the time being in force.

A.D. 1895.

Every engine or boiler user shall keep a book or register in which he shall enter and keep entered every engine or boiler owned, used, or let for hire by him, with sufficient particulars as to situation and otherwise to enable the same to be identified; and he shall enter and keep entered in the said book or register the name of the person under whose charge, control, or supervision each such engine or boiler is placed for the time being; and he shall at all reasonable times produce every such book for inspection by any authorised person, and permit copies thereof to be taken by any such person. 5

The following shall be deemed authorised persons for the purposes of this section: Any examiner under this Act, any court of summary jurisdiction, any person nominated for the purposes of this section by the Board of Trade in writing under the hand of a secretary or assistant secretary of the Board of Trade. 10

Penalties for offences by engine or boiler users.

23. Any engine or boiler user who makes default in complying with any of the provisions of this Act, by the employment of persons other than those in possession of certificates, shall be liable on summary conviction to a penalty not less than *two pounds* and not exceeding *fifty pounds* for every such default. 15

Penalties for offences by persons in charge of engine.

24. Any person or persons undertaking the charge or control of steam engines or steam boilers contrary to the meaning or objects of this Act shall be liable on summary conviction to a penalty not less than *two pounds* and not exceeding *twenty pounds* for every such default. 20

Fees.

25. All fees received by examiners under this Act, or any regulations of the Board of Trade under this Act, shall be paid and accounted for to the Board of Trade in such manner as they direct, and shall be paid into the Exchequer. 25

Expenses.

26. *All expenses incurred by the Board of Trade for the payment of examiners or otherwise in carrying this Act into effect shall be defrayed out of moneys to be provided by Parliament.* 30

Steam Engines (Persons in Charge).

A

B I L L

To provide for Certificates to Persons
in charge of Steam Engines and
Boilers.

(Prepared and brought in by
Mr. William Allan, Mr. Charles Fenwick,
Mr. John Wilson (Durham),
Mr. William Abraham (Rhonda),
Mr. Joseph Wilson, Mr. Howell,
Mr. Wilson Lloyd, and Sir Seymour King.)

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90, West Nile Street, Glasgow; or
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[*Price 1d.*]

[Bill 7.]

Summary Jurisdiction (Married Women) Bill.

MEMORANDUM.

The object of this Bill is to consolidate and amend two Acts mentioned in the schedule which give summary relief to married women in cases of aggravated assault by means of orders for separation, alimony, and custody of children, and in cases of desertion by means of orders for alimony.

The chief alterations in the law sought to be effected are :—

- (1.) To keep distinct the administration of civil and criminal remedies, and thereby to avoid existing anomalies and defects.
- (2.) To assimilate the extent of relief which may be given in cases of aggravated assault and desertion.
- (3.) To extend relief to cases of such persistent cruelty and neglect to maintain as force a wife to separate herself from her husband.
- (4.) To enable payments of alimony to be made in such a way as to avoid the necessity of a personal application by the wife to the husband.

A comparison of the Acts mentioned in the schedule with the Bill will show the extent of the proposed alterations in the law.

Summary Jurisdiction (Married Women) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Application of Act.
3. Commencement of Act.
4. By and to whom orders may be applied for.
5. Powers of court.
6. Limitation of powers.
7. Court may vary or discharge order.
8. Procedure.
9. Enforcement of orders for payment of money.
10. Court may refuse orders in cases fit for High Court.
11. Appeal.
12. Repeal of Acts.

SCHEDULE.

A
B I L L

TO

Amend the Law relating to the Summary Jurisdiction of Magistrates in reference to Married Women. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 1. This Act may be cited for all purposes as the Summary Jurisdiction (Married Women) Act, 1895. Short title.

2. This Act shall not extend to Scotland or Ireland.

Application
of Act.

3. This Act shall come into operation on the *first day of January one thousand eight hundred and ninety-six*. Commence-
ment of Act.

10 4. Any married woman whose husband shall have been convicted summarily of an aggravated assault upon her within the meaning of section forty-three of the Offences against the Person Act, 1861, or whose husband shall have been convicted by a court of competent jurisdiction of an assault upon her, and sentenced to pay a fine of more than *five pounds* or to a term of imprisonment exceeding *two*
15 *months*, or whose husband shall have deserted her, or whose husband shall have been guilty of persistent cruelty or wilful neglect to provide reasonable maintenance for her or her infant children, and shall thereby have caused her justifiably to leave and live separately
20 and apart from him, may apply to any court of summary jurisdiction acting within the city, borough, petty sessional, or other division or district in which any such conviction has taken place, or in which the cause of complaint shall have wholly or partially arisen, for an order or orders under this Act.

By and to
whom orders
may be ap-
plied for.
24 & 25 Vict.
c. 100.

25 5. The court of summary jurisdiction to which any application under this Act is made may make an order or orders containing all or any of the provisions following, viz. :— Powers of
court.

(a.) A provision that the applicant be no longer bound to cohabit with her husband (which provision while in force shall have [Bill 135.]

A.D. 1895.

the effect in all respects of a decree of judicial separation on the ground of cruelty).

(b.) A provision that the legal custody of any children of the marriage between the applicant and her husband, while under the age of *sixteen years*, be committed to the applicant. 5

(c.) A provision that the husband shall pay to the applicant personally, or for her use, to any officer of the court or third person on her behalf, such weekly sum not exceeding *two pounds* as the court shall, having regard to the means both of the husband and wife, consider reasonable. 10

(d.) A provision for payment by the applicant or the husband, or both of them, of the costs of the court and such reasonable costs of either of the parties as the court may think fit.

Limitations
of powers of
court.

6. No orders shall be made under this Act on the application of a married woman if it shall be proved that such married woman has committed an act of adultery which has not been condoned. 15

Court may
vary or
discharge
order.

7. A court of summary jurisdiction acting within the city, borough, petty sessional, or other division or district in which any order under this Act or the Acts mentioned in the schedule hereto, or either of them, has been made, may, on the application of the married woman or of her husband, and upon cause being shown upon fresh evidence to the satisfaction of the court at any time, alter, vary, or discharge any such order, and may upon any such application from time to time increase or diminish the amount of any weekly payment ordered to be made, so that the same do not in any case exceed the weekly sum of *two pounds*. If any married woman upon whose application an order shall have been made under this Act or the Acts mentioned in the schedule hereto, or either of them, shall voluntarily resume cohabitation with her husband, or shall commit an act of adultery, such order shall upon proof thereof be discharged. 20 25 30

Procedure.

8. All applications under this Act shall be made in accordance with the Summary Jurisdiction Acts, and in the case of a conviction of a husband for aggravated assault upon his wife, her application may, by leave of the court, be made by summons to be issued and made returnable immediately upon such conviction. 35

Enforce-
ment of
orders for
payment of
money.

9. The payment of any sum of money directed to be paid by any order under this Act may be enforced in the same manner as the payment of money is enforced under an order of affiliation.

Court may
refuse an

10. If in the opinion of a court of summary jurisdiction the matters in question between the parties or any of them would be 40

- more conveniently dealt with by the High Court, the court of summary jurisdiction may refuse to make an order under this Act, and in such case no appeal shall lie from the decision of the court of summary jurisdiction : Provided always, that the High Court or
5 a judge thereof shall have power by order in any proceeding in the High Court relating to or comprising the same subject matter as the application so refused as aforesaid, or any part thereof, to direct the court of summary jurisdiction to rehear and determine the same.
- 10 11. Save as is herein-before provided, an appeal shall lie from Appeal.
any order or the refusal of any order by a court of summary jurisdiction under this Act to the Probate and Admiralty Division of the High Court of Justice. Rules of court may from time to time be made regulating the practice and procedure in such appeals.
- 15 12. The Acts specified in the schedule to this Act are hereby Repeal of
repealed to the extent therein mentioned, except so far as they Acts.
apply to Ireland.

SCHEDULE.

ENACTMENTS REPEALED.

20	Year and Chapter.	Title or Short Title.	Extent of Repeal.
	41 & 42 Vict. c. 19.	- Matrimonial Causes Act, 1878 -	Section four.
	49 & 50 Vict. c. 52.	- Married Women Maintenance in Case of Desertion Act.	The whole Act.

Summary Jurisdiction (Married Women).

A

B I L L

To amend the Law relating to the Summary Jurisdiction of Magistrates in reference to Married Women.

(Prepared and brought in by
*Mr. Byrne, Sir Richard Webster, Mr. Cozens
Hardy, Mr. Bucknill, and Mr. Haldane.*)

*Ordered, by The House of Commons, to be Printed,
20 February 1896.*

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50, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price 1d.*]

[Bill 136.]

Summary Jurisdiction (Married Women) Bill.

[AS AMENDED BY THE STANDING COMMITTEE ON LAW.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Application of Act.
3. Commencement of Act.
4. By and to whom orders may be applied for.
5. Powers of court.
6. Limitations of powers of court.
7. Court may vary or discharge order.
8. Procedure.
9. Enforcement of orders for payment of money.
10. Court may refuse an order in cases more fit for the High Court.
11. Appeal.
12. Repeal of Acts.

SCHEDULE.

A

B I L L

[AS AMENDED BY THE STANDING COMMITTEE ON LAW]

TO

Amend the Law relating to the Summary Jurisdiction of Magistrates in reference to Married Women. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

- 5 **1.** This Act may be cited for all purposes as the Summary Jurisdiction (Married Women) Act, 1895. Short title.
- 2.** This Act shall not extend to Scotland or Ireland. Application of Act.
- 3.** This Act shall come into operation on the first day of January one thousand eight hundred and ninety-six. Commencement of Act.
- 10 **4.** Any married woman whose husband shall have been convicted summarily of an aggravated assault upon her within the meaning of section forty-three of the Offences against the Person Act, 1861, or whose husband shall have been convicted upon indictment of an assault upon her, and sentenced to pay a fine of more than five pounds By and to whom orders may be applied for.
24 & 25 Vict. c. 100.
- 15 or to a term of imprisonment exceeding two months, or whose husband shall have deserted her, or whose husband shall have been guilty of persistent cruelty to her, or wilful neglect to provide reasonable maintenance for her or her infant children whom he is legally liable to maintain, and shall by such cruelty or neglect have
- 20 caused her to leave and live separately and apart from him, may apply to any court of summary jurisdiction acting within the city, borough, petty sessional, or other division or district in which any such conviction has taken place, or in which the cause of complaint shall have wholly or partially arisen, for an order or orders under this
- 25 Act: Provided that where a married woman is entitled to apply for an order or orders under this section on the ground of the conviction of her husband upon indictment, she may apply to the court before whom her husband has been convicted, and that court shall, for the purposes of this section, become a court of summary jurisdiction,

[Bill 314.]

A

A.D. 1895. and shall have the power without a jury to hear an application, and make the order or orders applied for.

Powers of court.

5. The court of summary jurisdiction to which any application under this Act is made may make an order or orders containing all or any of the provisions following, viz. :— 5

(a.) A provision that the applicant be no longer bound to cohabit with her husband (which provision while in force shall have the effect in all respects of a decree of judicial separation on the ground of cruelty).

(b.) A provision that the legal custody of any children of the marriage between the applicant and her husband, while under the age of sixteen years, be committed to the applicant.

(c.) A provision that the husband shall pay to the applicant personally, or for her use, to any officer of the court or third person on her behalf, such weekly sum not exceeding two 15 pounds as the court shall, having regard to the means both of the husband and wife, consider reasonable.

(d.) A provision for payment by the applicant or the husband, or both of them, of the costs of the court and such reasonable costs of either of the parties as the court may think fit. 20

Limitations of powers of court.

6. No orders shall be made under this Act on the application of a married woman if it shall be proved that such married woman has committed an act of adultery: Provided that the husband has not condoned, or connived at, or by his wilful neglect or misconduct conducted to such act of adultery. 25

Court may vary or discharge order.

7. A court of summary jurisdiction acting within the city, borough, petty sessional, or other division or district in which any order under this Act or the Acts mentioned in the schedule hereto, or either of them, has been made, may, on the application of the married woman or of her husband, and upon cause being shown 30 upon fresh evidence to the satisfaction of the court at any time, alter, vary, or discharge any such order, and may upon any such application from time to time increase or diminish the amount of any weekly payment ordered to be made, so that the same do not in any case exceed the weekly sum of two pounds. If any married 35 woman upon whose application an order shall have been made under this Act or the Acts mentioned in the schedule hereto, or either of them, shall voluntarily resume cohabitation with her husband, or shall commit an act of adultery, such order shall upon proof thereof be discharged. 40

Procedure.

8. All applications under this Act shall be made in accordance with the Summary Jurisdiction Acts, and in the case of a conviction

of a husband for aggravated assault upon his wife, her application may, by leave of the court, be made by summons to be issued and made returnable immediately upon such conviction. A.D. 1895.
—

5 9. The payment of any sum of money directed to be paid by any order under this Act may be enforced in the same manner as the payment of money is enforced under an order of affiliation.

Enforcement of orders for payment of money.

10 10. If in the opinion of a court of summary jurisdiction the matters in question between the parties or any of them would be more conveniently dealt with by the High Court, the court of summary jurisdiction may refuse to make an order under this Act, and in such case no appeal shall lie from the decision of the court of summary jurisdiction: Provided always, that the High Court or a judge thereof shall have power by order in any proceeding in the High Court relating to or comprising the same subject matter as
15 the application so refused as aforesaid, or any part thereof, to direct the court of summary jurisdiction to rehear and determine the same.

Court may refuse an order in cases more fit for the High Court.

20 11. Save as is herein-before provided, an appeal shall lie from any order or the refusal of any order by a court of summary jurisdiction under this Act to the Probate, Divorce, and Admiralty Division of the High Court of Justice. Rules of court may from time to time be made regulating the practice and procedure in such appeals. And until altered or repealed, any rules already made as to appeals under section four of the Matrimonial Causes Act, 1878, shall apply
25 to appeals under this Act.

Appeal.

12. The Acts specified in the schedule to this Act are hereby repealed to the extent therein mentioned, except so far as they
apply to Ireland. Repeal of Acts.

A.D. 1895.

SCHEDULE.

ENACTMENTS REPEALED.

Year and Chapter.	Title or Short Title.	Extent of Repeal.
41 & 42 Vict. c. 19.	Matrimonial Causes Act, 1878	Section four.
49 & 50 Vict. c. 52.	Married Women Maintenance in Case of Desertion Act.	The whole Act.

5

Summary Jurisdiction
(Married Women).

A

B I L L

[AS AMENDED BY THE STANDING
COMMITTEE ON LAW]

To amend the Law relating to the
Summary Jurisdiction of Magistrates
in reference to Married Women.

(Prepared and brought in by
Mr. Byrne, Sir Richard Webster, Mr. Cozens
Hardy, Mr. Bucknill, and Mr. Haldane.)

Ordered, by The House of Commons, to be Printed,
17 June 1895.

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90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[Price 1d.]

[Bill 314.]

A

B I L L

TO

Amend the Sunday Closing (Wales) Act, 1881.

A.D. 1895.

WHEREAS the provisions in force against the sale of intoxicating liquors on Sunday have been found to be attended with great benefit to the inhabitants of Wales :

And whereas a Royal Commission appointed to inquire into the operation of the Sunday Closing (Wales) Act, 1881, has reported that it is expedient to amend the provisions of the said Act in regard to travellers, clubs, shebeens, the wholesale trade, and certain minor matters :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Preliminary.

1. This Act may be cited as the Sunday Closing (Wales) Amendment Act, 1895, and shall be incorporated with and construed as one with the Sunday Closing (Wales) Act, 1881 (hereinafter called the principal Act), save and except only so far as the provisions of the principal Act are expressly repealed or varied by or inconsistent with this Act. Short title.
2. This Act shall come into operation on the *tenth day of October one thousand eight hundred and ninety-five* (which day is in this Act referred to as the commencement of this Act). Commencement of Act.
3. This Act and the principal Act shall extend only to Wales, as herein-after defined. Extent of Act.
4. In this Act, unless the context otherwise requires—
 “Intoxicating liquors” shall mean spirits, wine, beer, porter, ale, cider, perry, and sweets, and any fermented, distilled, or spirituous liquors which cannot, according to any law for the time being in force, be sold without a licence from the Commissioners of Inland Revenue. Definitions.
- [Bill 61.] A

A.D. 1895.

“Licensing authority” shall mean the authority for the time being empowered by law to grant and renew certificates for the sale of exciseable liquors.

“Licence” shall mean a licence for the sale of intoxicating liquors granted in pursuance of any statute in force for the 5 time being.

“Sunday licence” shall mean a licence to receive and supply intoxicating liquor to travellers on Sundays.

“Sale of beer by retail” shall mean the sale of beer in a less quantity than four and a half gallons, or less than two dozen 10 reputed quart bottles.

“Owner” of premises shall mean the person for the time being entitled to receive either on his own account or as mortgagee, or other incumbrancer in possession, the rackrent of such premises. 15

No person shall be deemed a “traveller” unless he has travelled a distance of not less than twelve miles for some purpose other than that of obtaining intoxicating liquor, and that he has not remained on the licensed premises longer than was reasonably required for the transaction of his 20 necessary business or for the purpose of necessary rest, refreshment, or shelter from the weather. And no person shall be proved to be a “traveller” unless the evidence given in that behalf is corroborated in some material respect by a person or persons not charged or interested. 25

“Wales” shall include Monmouthshire and every urban district part of which is situate within Wales or Monmouthshire.

“Urban district” shall include borough, Improvement Act district, and local government district.

Travellers.

30

Sale of
intoxicating
liquor to
travellers.

5. In the application to Wales of the Licensing Act, 1874, section ten of the said Act is hereby repealed, and in lieu thereof the following provisions shall apply :—

Nothing in this Act or in the principal Act contained shall preclude a person licensed to sell any intoxicating liquor at any 35 time to travellers or to persons lodging in his house : Provided that no person holding a six-day licence shall sell any intoxicating liquor on Sunday to any person whatever not lodging in his house.

If in the course of any proceedings which may be taken against any licensed person for infringing the provisions of this Act or 40

A.D. 1895.

the principal Act relating to closing, such person (in this section referred to as the defendant) fails to prove that the person to whom the intoxicating liquor was sold (in this section referred to as the purchaser) is a traveller, but the justices are satisfied that the
5 defendant truly believed that the purchaser was a traveller, and further that the defendant took all reasonable precautions to ascertain whether or not the purchaser was such a traveller, the justices shall dismiss the case as against the defendant, and if they think that the purchaser falsely represented himself to be a traveller, it
10 shall be lawful for the justices to direct proceedings to be instituted against such purchaser under the twenty-fifth section of the principal Act.

6. From and after the first meeting of the licensing authority for the purpose of hearing applications for the granting and renewal
15 of licences after the commencement of this Act, no occupier of licensed premises shall receive travellers on Sunday or supply intoxicating liquors to travellers on Sunday unless such occupier shall be the holder for the time being of a Sunday licence granted for that purpose.

Sunday
licence.

7. The licensing authority shall have power, at their next or
20 any subsequent meeting held after the commencement of this Act, to grant Sunday licences in respect of such licensed premises as, having regard to the rateable value of such premises and the circumstances of the locality in which such premises are situate,
25 the said licensing authority may deem expedient; provided that no Sunday licence shall be granted in respect of any premises of which the annual rateable value is less than *twenty-five pounds*.

Granting of
a Sunday
licence.

8.—(a.) The holder of a Sunday licence shall keep a book in
which he shall enter the name and address of every traveller or
30 other person entering the licensed premises on Sunday, together with the date and time on which such traveller or other person enters the premises or is supplied with refreshments thereat.

Name and
address of
travellers to
be entered.

(b.) Any constable may, for the purpose of preventing or
detecting the violation of any of the provisions of this Act, at all
35 times enter on any licensed premises and inspect such book.

(c.) Any holder of a Sunday licence who neglects to keep such
book or who, by himself or by any person in his employ or acting
by his direction or with his consent, refuses or fails to admit any
constable in the execution of his duty demanding to enter in
40 pursuance of this section, or having admitted such constable refuses or fails to permit him to inspect such book and all entries therein,

A.D. 1895. — shall be liable to a penalty not exceeding for the first offence *five pounds*, and not exceeding for the second and every subsequent offence *ten pounds*.

The third and every subsequent conviction under this sub-section to be recorded on the licence. 5

Forfeiture of
a Sunday
licence.

9. If the holder of a Sunday licence shall be convicted of any offence under this Act or under the Licensing Acts, or of any offence punishable with imprisonment and hard labour without the option of a fine, and such conviction shall not be appealed against within the time allowed for appeal (if any) by any Act in force for 10 the time being, or if appealed against shall be affirmed, the Sunday licence of such licensed person shall be forfeited so soon as the time for giving notice of appeal shall have expired, or where such conviction is appealed against and has been affirmed upon appeal 15 from the hearing of the appeal, or if there be no right of appeal 15 from the time of such conviction, and the premises in respect of which such Sunday licence was granted, shall unless the court having cognizance of the case in its discretion think fit otherwise to order be disqualified from receiving a Sunday licence for the term 20 of two years from the date of such conviction.

Illegal Associations.

Illegal as-
sociations.

10. From and after the commencement of this Act any association of ten or more persons existing only for the purpose of supplying intoxicating liquor to its members, or if for any other purpose only ostensibly or colourably for such other purpose, shall 25 be deemed an illegal association, and each and every member of such association shall be liable, upon summary conviction, to a fine not exceeding *five pounds*, or to imprisonment for any period not exceeding *three months*.

Shebeens.

30

Having or
keeping for
sale.

11. No person shall have or keep for sale by retail any intoxicating liquor without being duly licensed to sell the same. Any person having or keeping for sale by retail any intoxicating liquor which he is not licensed to sell by retail shall be subject to the following penalties, that is to say :—

(1.) For the first offence he shall be liable to a penalty not less than *ten pounds*, or to imprisonment with or without hard labour for a term not less than *two months*.

35

(2.) For the second offence he shall be liable to a penalty not less than *twenty pounds*, or to imprisonment with or without hard labour for a term not less than *four months*, and he may, by order of the court by which he is tried, be disqualified for any term not exceeding *five years* from holding any licence for the sale of intoxicating liquors.

(3.) For the third and any subsequent offence he shall be liable to a penalty not less than *twenty pounds*, or to imprisonment with or without hard labour for a term not less than *six months*, and may, by order of the court by which he is tried, be disqualified for any term of years or for ever from holding any licence for the sale of intoxicating liquors.

And any person found drunk or drinking or having had drink supplied to him on premises where intoxicating liquor is had or kept for sale by retail without a licence in that behalf shall be liable to a penalty not exceeding *five pounds* or to imprisonment with or without hard labour for a term not exceeding *one month*.

Wholesale Beer Trade.

12. No beer sold for the purpose of re-sale shall be delivered on Sunday at any house or premises at which beer is sold or kept for sale by retail, or at any place other than on board ships bound for a foreign port and ready for sea.

Wholesale trade, Sunday delivery.

Any person convicted of an offence under this section shall be liable to a penalty not exceeding *five pounds*, or to imprisonment with or without hard labour for a term not exceeding *three months*.

13. No beer sold for the purpose of re-sale shall be delivered at any house or premises at which beer is sold or kept for sale by retail, or at any place other than on board ships bound for a foreign port and ready for sea, except between the hours of *five o'clock* in the morning and *nine o'clock* at night.

Wholesale trade, week-day delivery.

Any person convicted of an offence under this section shall be liable to a penalty not exceeding *five pounds*, or to imprisonment with or without hard labour for a term not exceeding *three months*.

14. The county council shall keep a register of all premises upon which beer is manufactured or sold for the purpose of re-sale in such form as they may prescribe. Such register shall contain a description of the premises, the name of the owner of such

Establishment of register of premises on which wholesale

A.D. 1895.
trade is
carried on.
Failure to
register.

premises, and the name of the person who carries on such business of manufacture or sale.

15. Any person who carries on such business of manufacture or sale, shall within three months of the commencement of this Act, and in every succeeding year on the *tenth day of October*, or 5 such other day as may be appointed for that purpose, apply to the county council for a certificate of registration.

Method of
application
to county
council.

16. Such person shall at the time of making such application to the county council furnish the county council with the particulars mentioned in section nineteen of this Act, and shall also from time 10 to time when required by the county council furnish to them any of the aforesaid particulars.

Conditions of
granting a
certificate of
registration.

17. Upon such application being duly made the county council shall cause such premises to be registered, and shall forward to the person who carries on business on such premises a certificate of 15 registration under their common seal.

No such certificate of registration shall be granted in respect of premises of a less rateable value than *fifteen pounds* annually, nor to anyone who is disqualified from holding a licence to sell beer by retail for consumption off the premises, nor to anyone who fails to 20 produce a certificate from the local licensing authority to the effect that he is a fit and proper person to receive a certificate of registration under this Act.

Any person who makes any return or furnishes any information under the requirements of this section, knowing the same to be 25 false or insufficient in any material particular, shall be guilty of a misdemeanor, and liable on conviction on indictment to be imprisoned with or without hard labour for a term not exceeding *one year*.

Registration
fee.

18. The person who carries on business on such premises shall, 30 before such premises are entitled to be registered, pay to the county council a registration fee of *twenty shillings*.

Penalty for
non-registra-
tion.

19. The owner of premises upon which beer is manufactured or sold for the purpose of re-sale, in respect of which a certificate of registration has not been obtained under this Act, shall be liable 35 upon summary conviction to a fine not exceeding *five pounds* for every day on which such premises are open.

Powers of
entry.

20. Any constable may at all reasonable times enter and inspect any premises (other than those of a brewer) in or upon which beer

is sold for the purpose of re-sale, and examine all vessels and utensils found on such premises. A.D. 1895.

• When in pursuance of this section a constable has entered any premises and has found on such premises any vessel or utensil ordinarily used in the storing or keeping of beer and capable of containing not more than four gallons and a half, or any such vessel or utensil capable of containing more than four gallons and a half but partly empty, the finding of any such vessel or utensil on such premises shall, until the contrary be proved, be deemed sufficient evidence of an illegal sale by retail on such premises: Provided that nothing in this section shall prohibit beer bottled in glass or stone bottles, not exceeding one quart in capacity, from being kept on such premises.

21. Any constable may demand the name and address of any person found on any premises where such vessels or utensils are found as aforesaid, and if he has reasonable ground to suppose that the name or address given is false, may examine such person further as to the correctness of such name and address, and may, if such person fail upon such demand to give his name and address or to answer satisfactorily the questions put to him by the constable, apprehend him without warrant and carry him as soon as practicable before a justice of the peace. Search of premises.

Any person required by a constable under this section to give his name and address who fails to give the same, or gives a false name or address, or gives false information with respect to such name and address, shall be liable to a penalty not exceeding five pounds.

Beerhouses of Low Rateable Value.

22. From and after the commencement of this Act, notwithstanding anything contained in section forty-five of the Licensing Act, 1872, no licence shall be granted or renewed to any house or premises of which the annual rateable value is less than twelve pounds. Annual rateable value.

Railway Stations.

23. Section four of the Sunday Closing (Wales) Act, 1881, is hereby repealed, and from and after the commencement of this Act no intoxicating liquor shall be sold on Sunday at a railway station to persons arriving at or departing from such station by railroad or otherwise. Railway station refreshment rooms.

Sunday Closing (Wales) Act (1881) Amendment.

A

B I L L

To amend the Sunday Closing (Wales)
Act, 1881.

(Prepared and brought in by
*Mr. Herbert Roberts, Mr. Lloyd-George,
Mr. Alfred Thomas, Mr. Herbert Lewis, and
Mr. Spicer.*)

*Ordered, by The House of Commons, to be Printed,
8 February 1895.*

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[*Price 1d.*]]

[Bill 61.]

Supreme Court (Officers) Bill.

MEMORANDUM ON BILL.

The object of clause 1 is to strengthen the safeguards in the existing law against the making of unnecessary appointments.

The necessity for clause 2 arises out of the fact that doubts have recently been raised whether Orders in Council regulating the Civil Service apply to the legal departments. They cannot be so applied without modification, but the Bill declares that the offices of the Supreme Court shall be regulated by orders of the Lord Chancellor, with the consent as far as expenditure is concerned of the Treasury ; and orders based on similar principles to those recently laid down for the Civil Service are intended to be issued as soon as the power to make such orders is given.

Clause 3 is introduced in pursuance of undertakings frequently given in the House of Commons, when the estimates have been under discussion ; although, in fact, the office of Queen's Remembrancer has for a considerable number of years been virtually abolished by consolidation with that of Senior Master of the Supreme Court.

A

B I L L

TO

Amend certain provisions of the Law with respect to A.D. 1895.
Officers of the Supreme Court.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 1. Whereas by section twenty-one of the Supreme Court of
Judicature Act, 1881, it is provided that upon the occurrence of
any vacancy in the office of any officer of the Supreme Court,
notice thereof shall be forthwith given to the Lord Chancellor and
also to the Treasury by the senior continuing or surviving officer of
10 the department in which the vacancy occurs, and no appointment
shall be made to fill such vacancy within the period of one month
next after the date of such notice without the assent of the Lord
Chancellor, given with the concurrence of the Treasury, and the
Lord Chancellor may, if it be necessary, make provision in such
15 manner as he thinks fit for the temporary discharge in the meantime
of the duties of such office, and it is expedient to amend the said
section ; therefore

Amendment
of 44 & 45
Vict. c. 48.
s. 21. as to
notice of
vacancies in
offices of
Supreme
Court.

- (1.) The said section shall have effect as if the words " within
" the period of one month next after the date of such notice "
20 were omitted therefrom ; and
(2.) The provision to be made by the Lord Chancellor shall be
made with the concurrence of the Treasury, and shall extend
to making provision for the permanent discharge of the duties
of the office without making a fresh appointment.

- 25 2.—(1.) The following matters relating to the officers of the
Supreme Court shall be regulated by order to be made by the
Lord Chancellor, subject, in any regulation affecting the ex-
penditure of public funds, to the concurrence of the Treasury :—

[Bill 181.]

A

Power to
make orders
with respect
to officers
of the
Supreme
Court.

A.D. 1895.

- (a) the number, qualifications, style, classification, duties, transfers, and attendance of those officers; and
 (b) the amalgamation of two or more offices, or the distribution of the duties of an officer among two or more officers; and
 (c) holidays, sick leave, and the temporary employment of substitutes; and
 (d) promotion, succession, age for retirement, and removal.

(2.) The right of appointment to an office formed by the amalgamation of offices in pursuance of an order under this section, shall be vested in the person having the right to appoint to the offices so amalgamated, or if the rights of appointment to the offices amalgamated belong to more persons than one, then in such person as they may agree upon, and if they do not agree within *one month* from the occurrence of the vacancy in the office, then in the Lord Chancellor.

(3.) Any order made under this section may be made to apply to any officer, whether appointed before or after the *passing of this Act*, except that an order as to retirement or removal shall not apply to any officer appointed before the *passing of this Act* who holds office by statute during good behaviour.

Abolition of
office of
Queen's Re-
membrancer.

3. The office of Queen's Remembrancer is hereby abolished as from the next vacancy in that office, and all things required or authorised by law to be done by or before the Queen's Remembrancer may be done by or before the senior Master of the Supreme Court in the Queen's Bench Division.

Short title.

4. This Act may be cited as the Supreme Court of Judicature (Officers) Act, 1895, and shall be read with the Judicature Acts, 1873 to 1894.

Supreme Court (Officers).

A

B I L L

To amend certain provisions of the Law
with respect to Officers of the Supreme
Court.

(Prepared and brought in by
Mr. Secretary Isquith and Mr. George
Russell)

*Ordered, by The House of Commons, to be Printed,
25 March 1895.*

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90, West Nile Street, Glasgow; or
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[*Price 1d.*]

[Bill 181.]

A

B I L L

TO

Amend the Supreme Court of Judicature (Ireland) Act, A.D. 1895.
1877.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

- 5 1. The persons upon whose recommendation the Lord Lieutenant may make, alter, or annul rules, pursuant to section sixty-one of the Supreme Court of Judicature (Ireland) Act, 1877, shall include the President of the Incorporated Law Society of Ireland for the time being, and shall also include two persons (one of whom shall be a
10 practising barrister) to be appointed for the purpose by the Lord Chancellor of Ireland from time to time in writing under his hand, such appointment to continue for such time as shall be specified therein.
2. This Act may be cited as the Supreme Court of Judicature
15 (Ireland) Act, 1877, Amendment Act, 1895.

Persons on whose recommendation rules of Court are to be made.

Short title.

Supreme Court of
Judicature (Ireland)
Act, 1877, Amendment.

A

B I L L

To amend the Supreme Court of
Judicature (Ireland) Act, 1877.

(*Prepared and brought in by*
Mr. Maurice Healy and Mr. William Kenny.)

Ordered, by The House of Commons, to be Printed,
27 March 1895.

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[*Price 3d.*]

[Bill 185.]

A

B I L L

TO

Amend the Law relating to Technical Education in Ireland. A.D. 1895.

WHEREAS it is expedient to amend the law relating to technical instruction in Ireland, and to make better provision for technical instruction in Ireland :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. Section one, sub-sections (*a*), (*d*), (*e*), and (*f*), of fifty-two and fifty-three Victoria, chapter seventy-six, are hereby repealed so far as they relate to Ireland.

Repeal of
sec. 1 (*a*), (*d*),
(*e*), and (*f*)
of 52 & 53
Vict. c. 76.

2.—(*a*.) The local authority shall not out of the local rate, or any grant in aid from the Science and Art Department, supply or aid the supply of technical or manual instruction to scholars receiving instruction at any elementary school, who have not received a certificate from the National Board that they can read and write, and that they have qualified in arithmetic.

Aid by local
authorities to
technical
instruction
out of local
rates.

(*b*.) A local authority may out of any local rate raised in pursuance of the said last-recited Act, or out of any other funds placed as its disposal for the purpose of technical instruction within the meaning of the Technical Instruction Acts, make provision in aid of technical and manual instruction for the time being supplied in schools or institutions approved of by the Science and Art Department within its district, to such extent as may be reasonably sufficient, having regard to the requirements of its district, but subject to the conditions and restrictions contained in this section.

(*c*.) When such school or institution receives aid from the local authority in pursuance of this section, the local authority may, for the purposes of the Technical Instruction Acts, be represented on the governing body of the school or institute, except, in cases contemplated by section four.

[Bill 15.]

A.D. 1895.

(d.) No provision out of any rate raised in pursuance of this Act shall be made in aid of technical or manual instruction in any school conducted for private profit.

Power for local authorities to combine for the purpose of providing and maintaining technical instruction.

3. Any two or more local authorities may combine together for the purpose of providing and maintaining technical instruction 5 within the meaning of the Technical Instruction Acts common to the districts of such local authorities, and the joint local authorities shall have all the powers within their joint districts conferred upon individual local authorities by the Technical Instruction Acts and by this Act, including power to appoint committees for such joint 10 districts, consisting wholly or partly of members of the joined local authorities, and to delegate to such joint committees any powers exercisable by them under the said Acts, except the power of levying a rate or borrowing money.

Saving of powers of National Board of Education, &c.

4. Nothing in this Act shall be construed so as to interfere with 15 the powers of the Board of National Education, or with the managers of national schools, with respect to the provision of technical and manual instruction in the schools under their charge.

Power for local authorities in certain cases to grant aid to technical schools established by other local authorities.

5.—(a.) A rural local authority may apply the rate levied under the Technical Instruction Acts, or the grants in aid from the 20 Science and Art Department, by giving the amount thereof, or any part thereof, to any urban local authority within its district for the purpose of being applied by such authority under the Technical Instruction Acts.

(b.) An urban local authority may apply the rate levied under 25 the Technical Instruction Acts, or the grants in aid from the Science and Art Department, by giving the amount thereof, or any part thereof, to any rural local authority in whose district it may be situate, for the purpose of being applied by such authority under the Technical Instruction Acts. 30

Application of moneys received by local authorities from the Science and Art Department. Grants in aid of technical instruction in Ireland.

6. Any money received by a local authority from the Science and Art Department for the purpose of technical instruction shall, although not expended in whole or in part before the end of the financial year then ensuing, remain applicable for such purposes.

7.—(a.) *A sum of shall be paid annually to the 35 Science and Art Department, out of moneys to be provided by Parliament, for the purposes of establishing, maintaining, or aiding technical instruction in Ireland, in accordance with the provisions of the Technical Instruction Acts. Such sum shall be in addition to any sums now paid to the Department for expenditure upon science 40 and art instruction in Ireland.*

(b.) *The Science and Art Department shall have power out of the moneys so paid to them to make provision for training science, art, and technical teachers for Ireland, to establish either separately or in connexion with existing educational institutions classes where*
5 *technical, agricultural, commercial, and veterinary instruction may be given, and to make grants in aid of technical, science, and art instruction to local authorities under the Technical Instruction Acts; and such grants shall be subject to such conditions as may be prescribed in the minutes of the Department in force for the time*
10 *being.*

Technical Education (Ireland).

A

B I L L

To amend the Law relating to Technical
Education in Ireland.

(*Prepared and brought in by*
Mr. Dunbar Barton, Mr. Wolff,
Lord Arthur Hill, Mr. Horace Plunkett, and
Mr. William Kenny.)

Ordered, by The House of Commons, to be Printed,
8 February 1895.

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and 20, West Nile Street, Glasgow; or
HODGES, FROGGS, & Co., Limited, 104, Grafton Street, Dublin.

[*Price 4d.*]

[Bill 15.]

A

B I L L

FOR

The better provision of Secondary and Technical
Education in Scotland.A.D. 1895.
—

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 **1.** There shall be for each county in Scotland a committee for technical and secondary education, consisting of a certain number of members appointed by the chairman of the school boards in that county, and twice that number of members appointed by the county council of that county. Appointment of technical and secondary education committees.
- 10 **2.** The number of members of the said committees for technical and secondary education, and the mode and time of their appointment, shall be determined by general or special order of the Secretary for Scotland, provided that the number of members so fixed to be appointed by the county council shall be sufficient to admit of the
- 15 adequate representation of the burghs included in the county, and of the landward part of the county ; and provided also that in the case of a county divided into districts under the Local Government (Scotland) Act, 1889, there shall be a representative of each of these districts on the committee. Composition of committees.
- 20 This section shall not apply to the burghs of Edinburgh, Glasgow, Aberdeen, Dundee, and Leith, or to the parish of Govan.
- 3.** The committees for technical and secondary education shall hold office for *three years*, and shall be elected as soon as may be after the elections of county councils. Tenure of office of committees.
- 25 **4.** The sum available under section two, subsection (1.) (b.), of the Education and Local Taxation Account (Scotland) Act, 1892, shall be distributed among the committees for technical and secondary
- [Bill 19.] Payment of the compensation grant to these committees.

A.D. 1895. — education and among the secondary education committees for the burghs of Glasgow, Edinburgh, Aberdeen, Dundee, and Leith, and the parish of Govan, in such manner as shall be determined from time to time by the Scottish Education Department under minutes of the department submitted to Parliament. 5

Payment of the residue grant to these committees.

5. Section two, subsection (iii.) (b.), of the Local Taxation (Customs and Excise) Act, 1890, is hereby repealed, except in so far as it applies to the burghs of Glasgow, Edinburgh, Aberdeen, Dundee, Leith, and the parish of Govan, and in lieu thereof it is enacted:—

Subject to the reductions and diminutions as aforesaid in the said Act the remainder of the residue shall be paid over to the Scottish Education Department and distributed by that department among the committees for technical and secondary education in each county of Scotland, and among the burghs of Glasgow, Edinburgh, Aberdeen, Dundee, and Leith, and the parish of Govan, for the purposes of technical education under the meaning of the Technical Instruction (Amendment) Act, 1892. 10 15

Committees to submit schemes to department.

6. Each committee for technical and secondary education shall on its appointment submit, for the approval of the Scotch Education Department, a scheme for the distribution of the sums allotted to that committee for the purposes of technical and secondary education; and as soon as such scheme shall be approved by the Scottish Education Department, the department may pay to such committee the share allotted to it for that financial year, but no such payment shall be made unless the department has satisfied itself, after sufficient audit, that the scheme for the former financial year has been duly carried out. 20 25

Short title.

7. This Act may be cited as the Technical and Secondary Education (Scotland) Act, 1895.

Limitation.

8. This Act shall apply to Scotland only. 30

Technical Education (Scotland).

A

B I L L

For the better provision of Secondary
and Technical Education in Scotland.

(*Prepared and brought in by*
Mr. Crombie, Mr. Donald Crawford,
Mr. Buchanan, and Captain Sinclair.)

Ordered, by The House of Commons, to be Printed,
8 February 1895.

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90, West Nile Street, Glasgow; or
HODGKIN, FRIGGS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price ½d.*]

[Bill 19.]

A

B I L L

DEALING

With Contracts entered into by Tenants of Tied Houses.

A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 **1.** In this Act, if not inconsistent with the context, the following expressions have the meanings hereafter respectively assigned to them; that is to say :—

Interpreta-
tion.

10 “Intoxicating liquor” means spirits, wine, beer, porter, cider, perry, sweets, and any fermented, distilled, or spirituous liquor which cannot, according to any law for the time being in force, be legally sold without a licence :

15 “Licence” means a licence for the sale of intoxicating liquors granted by justices, including a certificate of justices granted under the Wine and Beerhouse Acts, and including a licence for the sale of sweets, and a licence for the retail of spirits granted to a wholesale spirit dealer :

“Licensed person” means a person holding a licence as defined by this Act.

20 **2.** From and after the commencement of this Act every licensed person shall, notwithstanding any contract he may have entered into, have the right to purchase or otherwise acquire all or any of the intoxicating liquors he requires for the purposes of his business from any company, firm, or person authorised by law to sell the same without being liable to any damage, penalty, forfeiture, or other disadvantage by reason of such purchase being a breach of any contract.

Licensed person entitled to purchase and sell intoxicating liquor supplied by any person notwithstanding agreements to the contrary.

30 **3.** From and after the commencement of this Act every contract, agreement, promise, condition, or arrangement already entered into or hereafter to be entered into which purports, either directly or indirectly, and whether by express contract or by any condition as

All contracts in contravention of a licensed person to buy

[Bill 55.]

A.D 1895.

where he
pleases or to
sell goods
wherever
obtained.

to forfeiture, increased or reduced rent, or price or otherwise, to divert or restrict the right of any licensed person to purchase intoxicating liquors from whomsoever he pleases, or his right to sell intoxicating liquors wherever or from whomsoever procured, or which gives any licensed person any advantage or imposes upon him any disadvantage in consequence of his in whole or in part exercising or forbearing to exercise such right, shall be absolutely void. 5

Commence-
ment of Act.

4. This Act shall come into operation on the *first day of January one thousand eight hundred and ninety-six.* 10

Short title.

5. This Act may be cited for all purposes as the Tied Houses Tenants' Contracts Act, 1895.

Tied Houses' Tenants' Contracts.

A

B I L L

Dealing with Contracts entered into by
Tenants of Tied Houses.

(*Prepared and brought in by*
Mr. William Allen, Sir Charles Dilke,
Mr. Cairnes, Mr. Philip Stanhope,
Mr. Keir-Hardie, and Mr. T. W. Russell.)

Ordered, by The House of Commons, to be Printed,
8 February 1895.

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90, West Nile Street, Glasgow; or
HODGES, FROGGS, & CO., LIMITED, 104 Grafton Street, Dublin.

[*Price 3d.*]

[Bill 55.]

Tied (Tenants) Houses Bill.

MEMORANDUM.

The object of this Bill is to abolish what is known in the liquor trade as the tied-house system, by which tenants of licensed houses are compelled to purchase the goods sold by them from the owners or lessees of their houses.

Houses are tied by two systems, the one by making the tenancy expire on a merely nominal notice to quit, and the other by covenant not to purchase goods from any persons except the owners.

Under this system, which has much extended, houses are tied not only for beer and spirits, but also for cigars.

Clause 3 exempts from the operation of the Act bonâ fide hotels which have practically no public bars, and in which the sale of intoxicating liquor is of a secondary consideration.

A
B I L L

TO

Amend the Licensing Laws relating to Tied Houses. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

- 5 **1.** No licence for the sale of intoxicating liquor by retail to be consumed on the premises shall be granted to any person except the real resident occupier of the house, for which he shall apply to be licensed, and such occupier shall be either the owner of such house or the tenant of the same for a term of not less than
- 10 *one year*, such tenancy being terminable by not less than *six months* notice, expiring at the end of any year of the tenancy, save and except that—
- (1) Any tenancy may be made to terminate on any licence holder being convicted of any offence against any Licensing Act or
- 15 Acts for the time being in force, or on the death or bankruptcy of the licence holder:
- (2) Any executor or executors, administrator or administrators of a deceased licence holder, or the official receiver in bankruptcy, or trustee of a bankrupt licence holder, shall not
- 20 during the time any licence may be vested in him, them, or either or any of them, as executor or executors, or administrator or administrators, or official receiver or trustee in bankruptcy, be compelled to reside in the licensed premises.
- 25 **2.** Any covenant or agreement by a holder of any licence or licences to sell intoxicating liquor by retail, that such licence holder will purchase any goods for sale in his licensed premises or any article to be used by him in the manufacture of any such goods, of or from any stated person or persons, firm or firms, company or companies, shall be void.

Licence holder to be bonâ fide tenant.

To abolish the tied house system.

A.D. 1895.

Exemption
of hotels
without
public bars.

Extent of
Act.

Short title.

3. This Act shall not apply to a holder of a licence who is licensed under sub-section four of section forty-three of the Inland Revenue Act, 1880.

4. This Act shall not apply to Scotland or Ireland.

5. This Act may be cited as the Tied House Tenants Act, 1895. 5

Tied (Tenants) Houses.

A

B I L L

To amend the Licensing Laws relating
to Tied Houses.

(Prepared and brought in by
*Mr. Broadhurst, Mr. Moulton, Mr. Logan,
Mr. Hazell, Mr. Charles McLaren, and
Mr. Brunner.*)

*Ordered, by The House of Commons, to be Printed,
21 May 1895.*

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50, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price 1d.*]

[Bill 270.]

Town Leaseholds Extension (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
 2. Commencement and application of Act.
 3. Interpretation of terms.
 4. Lessee may purchase intervening interests.
 5. Interest purchased not a graft.
 6. Purchase by agreement.
 7. Purchase through the court.
 8. Application to court.
 9. Deposit as security.
 10. Apportionment of rent.
 11. Ascertainment of purchase money.
 12. New trustees.
 13. Payment of purchase money.
 14. Application of money in court.
 15. Vesting order where difficulty or delay in making title.
 16. Incorporation of statutes.
 17. Costs.
 18. Rules.
-

A

B I L L

TO

Enable certain Under Lessees in Towns in Ireland to acquire the Reversions in their Holdings. A.D. 1895.

WHEREAS it is expedient that the owners of certain leasehold interests in towns in Ireland should be entitled to acquire as regards their holdings the interests intervening between such leasehold interests and the inheritance or perpetual estate :

5 Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as the Town Lease- Short title.
10 holds Extension (Ireland) Act, 1895.

2. This Act shall come into operation on the *first day of* Commence-
January one thousand eight hundred and ninety-six, and shall apply ment and
to Ireland only. application
of Act.

3. In this Act the following words and expressions shall have Interpreta-
15 the interpretations and meanings in this section assigned to them tion of
respectively, unless there be something in the subject or context terms.
repugnant to such constructions ; (that is to say,)

20 "Holding" means any dwelling-house, cottage, shop, warehouse, church, chapel, or other permanent and substantial building, and any yard, garden, or other land used in connexion therewith, which is situate in a town, and the site of which does not exceed one acre in extent.

25 "Town" means a town other than a city or county of a city, and having a population of not less than one thousand according to the census last published before the agreement or application for purchase as the case may be herein-after mentioned.

A.D 1895.

“Lease” means any instrument in writing whether under seal or not, and containing a contract of tenancy, or an agreement for a contract of tenancy, for not less than a term of *twenty years*, or one life.

“Lessee” means the person absolutely entitled, whether subject 5 to incumbrances or not, to the interest created by a lease of a holding or under the Settled Land Acts, 1882 to 1890, being tenant for life of such interest or having the powers of a tenant for life in respect thereof, and who is in the occupation or is the immediate landlord of the person (not 10 being himself entitled to the rights conferred by this Act) in the occupation of the holding, and who or whose predecessors in title has or have otherwise than in pursuance of any covenant or agreement contained in the lease erected such dwelling-house, cottage, warehouse, shop, church, 15 chapel, or permanent and substantial building, or made permanent and substantial building improvements on the holding.

“Lessor” means the person absolutely entitled to an intervening interest or under the Settled Land Acts, 1882 to 1890, being 20 tenant for life thereof, or having the powers of a tenant for life in respect thereof.

“Perpetual estate” means an estate for a life or lives with or without a term of years, or for years determinable upon a life or lives or for years absolute with a covenant or 25 agreement in each case for perpetual renewal.

“Intervening interest” means an interest under a lease derived immediately or mediately out of an estate of inheritance or a perpetual estate and intermediate as regards a holding between such estate of inheritance or perpetual estate and 30 the interest of a lessee.

“Court” means the Irish Land Commission, and where the annual value of the holding under the Irish Valuation Acts does not exceed *thirty pounds*, the Irish Land Commission or the county court within the jurisdiction of which the 35 holding is situate.

“Prescribed” means prescribed by rules made in pursuance of this Act.

“Rules” includes forms.

Lessee may
purchase
intervening
interests.

4. A lessee shall, in the manner and on the terms provided by 40 this Act, have the right to purchase all the intervening interests so far as the same relate to his holding, and each lessor may and shall,

in the manner and on the terms aforesaid, and notwithstanding any covenant, agreement, or provision to the contrary contained in his lease, sell and convey his intervening interest, so far as the same relates to such holding, to the lessee. A.D. 1895.

5 Provided—

(a) that where the lessor is not absolutely entitled to such intervening interest, the provisions of the Settled Land Acts, 1882 to 1890, shall, so far as practicable, apply to such sale; and

10 (b) that the provisions of this section shall not apply where the unexpired residue of any of the intervening interests exceeds, or may exceed by the period of *five years* the unexpired residue of the interest held by the lessee.

15 5. An intervening interest purchased under this Act shall not be a graft upon the interest held by the lessee or subject to any rights or equities affecting the same. Interest purchased not a graft.

6. The purchase and sale of all the intervening interests may be carried out by agreement between the lessee and all the persons competent to sell such interests. Purchase by agreement.

20 7. If the purchase and sale of all the intervening interests are not carried out by agreement the same shall be carried out through the court. Purchase through the court.

25 8. A lessee intending to purchase through the court the intervening interests shall apply to the court in such manner and after the service of such notices as may be prescribed, and the court may thereupon, or at any subsequent stage of the proceedings, make an order for the purchase and sale of such interests, and make such orders and give such directions for the carrying out of the same, and of all matters ancillary thereto as having regard to the provisions of this Act may be just. Application to court

30 9. Before or at the time of lodging such application the lessee shall deposit in court a sum equal to twice the annual value of the holding under the Irish Valuation Acts, and such deposit shall remain as security for any damages, costs, or expenses that may be incurred by reason of the application, and shall be subject to the order of the court. Deposit as security.

35 10. Where the subject matter of any such intervening interest includes other premises besides the holding the court shall apportion the rent or return payable in respect of such intervening interest as between such other premises and the holding, and the apportioned parts only of such rent or return shall as from the date of the order for purchase and sale be payable or recoverable in respect of such other premises and such holding respectively. Apportionment of rent.

A.D. 1895.

Ascertaining
of purchase-
money.

11. Where the purchase and sale of an intervening interest is carried out through the court, the court shall determine the amount as of the date of the order for purchase and sale of the purchase-money to be paid in respect of such intervening interest having regard to the following directions—

5

(1.) Such purchase money shall consist of—

(a) a sum to be ascertained by capitalising the yearly net profit rent, which would, but for such purchase and sale, be receivable by the owner of such intervening interest during the unexpired residue of the interest immediately derived thereout;

(b) a sum to be ascertained by capitalising the yearly value of the holding for the period during which the unexpired residue of such intervening interest will exceed the unexpired residue of the interest immediately derived thereout; and

(c) such sum not exceeding *ten* per centum on the sums ascertained under (a) and (b) as the court, having regard to all the circumstances of the case, holding, and district, may deem just.

20

(2.) In ascertaining such net profit rent all proper deductions shall be made for necessary repairs and expenses.

(3.) In ascertaining such yearly value all proper deductions shall be made for the rent or apportioned rent, and other outgoings payable in respect of the intervening interest and for necessary repairs.

25

(4.) For the purposes of this section the unexpired duration of a life or lives shall be taken to be the probable duration thereof as ascertained by actuarial calculation.

New trustees.

12. For the purpose of carrying out any purchase and sale under this Act the court shall have the same power to appoint trustees under the Settled Land Acts, 1882 to 1890, and to make any other order under the said Acts as is thereby conferred upon the Chancery Division of the High Court.

30

Payment of
purchase
money.

13. The court may direct the payment of the purchase money in respect of any intervening interest to the person entitled thereto or into court.

35

Application
of money
in court.

14. The court may direct the payment or investment of money paid into court, and the transfer of the investments thereof and payment of dividends or interest thereon to such persons and in such manner as the court, having regard to the rights of the parties, may deem just.

40

15. In case of difficulty or delay in making title to any intervening interest, or in conveying the same to the lessee, the court may, after the purchase money in respect of such intervening interest has been paid into court, make an order vesting such intervening interest in the lessee, and such order shall have the same effect as if all persons having any estate or interest in such intervening interest or any incumbrance or charge thereon had duly executed all proper conveyances of the holding to the lessee for the residue of such intervening interest, and on the execution of such order, if and so far as the same shall not otherwise declare the rights and claims of all persons in respect of such intervening interest or any incumbrance or charge thereon shall from such execution be transferred to the purchase money of such intervening interest so lodged in court as aforesaid.
16. There shall be incorporated with this Act the following enactments, which shall so far as practicable apply to the proceedings under this Act, and as if the purposes in the said enactments mentioned included the purposes of this Act, that is to say, the Landlord and Tenant (Ireland) Act, 1870, sections twenty-three, fifty-nine, sixty, sixty-one, and sixty-four, and the Land Law (Ireland) Act, 1881, sections forty-three, forty-four, forty-seven, forty-eight, and forty-nine.
17. The costs of all conveyances of such intervening interest, and of all documents for vesting the same in the lessee, and of deducing, evidencing, and verifying the title to the same, and of making out and furnishing such abstracts and copies of documents as may be required, and all other reasonable costs and expenses incident to the investigation, deduction, and verification of such title, and all costs of the proceedings in court, shall, unless otherwise ordered by the court, be borne by the lessee.
18. The Irish Land Commission shall have power from time to time to make, annul, or alter rules for carrying the provisions of this Act into effect, including the fixing of court fees and solicitor's costs and charges in respect of the proceedings thereunder.

A.D. 1895.

Vesting
order where
difficulty or
delay in
making title.Incorporation
of
statutes.

Costs

Rules.

Town Leaseholds Extension (Ireland).

A

B I L L

To enable certain Under Lessees in
Towns in Ireland to acquire the
Reversions in their Holdings.

(*Prepared and brought in by*
Mr. W. Kenny, Mr. Horace Plunkett,
Mr. John Ross, and Mr. Yerburgh.)

Ordered, by The House of Commons, to be Printed,
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[*Price 1d.*]
[Bill 62.]

A

B I L L

TO

Establish Boards of Conciliation and Arbitration in Trade Disputes. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 **1.** This Act may be cited as the Trade Disputes (Conciliation and Arbitration) Act, 1895. Short title.

2. This Act shall not apply to Ireland. Extent.

3. In this Act— Interpreta-
tion.

10 The expression “district” shall mean the area under the authority of a county council.

 The expression “county council” shall, in the application of this Act to England, include the council of a county borough.

15 The expression “employer” shall mean any person or body of persons, corporate or unincorporate, employing not less than twelve workmen in the same business or department of the business in which the trade dispute has arisen.

 The expression “workman” shall mean any person in the employment of an employer, as defined by this Act.

20 A “trade dispute” shall be deemed to have arisen whenever any controversy or difference, not involving questions which can be decided in a court of law, exists between an employer and his workmen, or when a strike or lock-out is threatened or has actually taken place.

25 The expression “board” shall mean a board of conciliation and arbitration as established under this Act for each particular district.

4.—(1.) A board of conciliation and arbitration shall on or before the *first day of January one thousand eight hundred and ninety-six* be established in every district. Constitution
of board.

[Bill 73.]

A.D. 1895.

(2.) The board shall consist of seven members to be appointed as herein-after mentioned, of whom three shall be employers or members of some association representing employers, and three shall be workmen or members of some trades union, and one shall be neither an employer nor a workman nor a member of any association 5 representing employers or of any trades union.

(3.) The county council in each district shall on or before the *first day of January one thousand eight hundred and ninety-six* appoint seven persons to be the first members of the board. Such members shall, subject to re-appointment, hold office for *two years*. 10 At the expiration of two years from the *first day of January one thousand eight hundred and ninety-six* and of every subsequent period of *two years* the county council shall appoint seven persons to be members of the board in the place of the retiring members, and such persons shall, subject to re-appointment, hold office for 15 *two years*.

(4.) In case of the bankruptcy or lunacy of a member of the board he shall forthwith vacate his office of member.

(5.) The county council shall upon the death, bankruptcy, lunacy, or retirement of a member of the board, appoint some 20 other person to act in his place for the remainder of the term for which he was appointed.

(6.) Provided always, that, if and so long as in any district a board or body (other than a board established under this Act) exists which in the opinion of the county council adequately carries out 25 the purposes for which boards are established under this Act, it shall not be obligatory on the county council in that district to appoint any persons to be members of the board in that district.

Board in
first instance
to mediate.

5. When in any district any trade dispute has arisen between an employer and his workmen, the board of that district shall upon 30 application as herein-after provided, and may without any such application, put themselves in communication as soon as may be with such employer and workmen and invite the parties or their representatives to a friendly conference and endeavour by mediation to effect an amicable settlement of the dispute, and if a settlement 35 is effected, a memorandum of the terms shall be drawn up and signed by the parties or their representatives and a copy thereof shall be delivered to and kept by the board.

Mode of
application
to board.

6. The application above referred to shall be an application signed by the employer, or by ten per cent. or more of his workmen 40 employed in the business or department of the business in which the trade dispute has arisen, or by his or their duly authorised

agent or by both parties. Such application shall contain a concise statement of the matters in difference between the parties. A.D. 1895.

7. In case of failure to effect such amicable settlement as is above referred to, the board shall give due public notice of their intention to hold an inquiry into the matters in dispute, and invite all persons interested to attend and give evidence thereat, and shall thereupon hold such inquiry. Procedure
in case of
failure of
mediation.

8. The board shall as soon as may be after the conclusion of the inquiry make a report and publish the same in such manner as they may think fit. Such report shall contain the decision of the board as to the proper settlement of the dispute in question, and also, in case the board so think proper, a concise statement as to the origin of the dispute and the causes inducing the same and what parties (if any) are in the opinion of the board mainly responsible for the same. Report.

9. For the purposes of this Act the board shall have power—

(a.) To visit the locality where the trade dispute has arisen, and to hear all persons interested who may come before them.

(b.) To summon any person to attend as a witness before the board, and in the case of any person summoned refusing to attend to apply in a summary way to a justice of the peace having jurisdiction in the district for an order compelling such attendance, and such justice of the peace is hereby empowered to make such order.

(c.) To administer an oath to or take the affirmation of any person attending as a witness before the board, and to examine any such person on oath or affirmation.

Powers of
board.

10.—(1.) The members of the board and the clerk (if any) appointed by them shall be paid such sums for their services and expenses as the county council may from time to time determine. Remunera-
tion of mem-
bers of board
and other
persons.

(2.) The witnesses summoned by the board shall be paid their travelling expenses and such further sum, not exceeding *ten shillings* a day, as the board may think proper.

11. All payments authorised to be made by this Act shall be made by and out of the funds of the county council of the district where the trade dispute has arisen, and the county council shall have power (if necessary) to raise funds for that purpose. Arbitration
rate.

12. The board in each district shall forthwith frame rules under this Act for the purposes of regulating their procedure. Such rules shall before they become binding be submitted to and approved by the county council, and may from time to time be altered by the county council with the like approval. Rules.

Trade Disputes (Conciliation and Arbitration).

A

B I L L

To establish Boards of Conciliation and
Arbitration in Trade Disputes.

(Prepared and brought in by
Mr. Butcher, Mr. Horace Plunkett, Mr. Byrne,
Mr. Yerburgh, and Mr. Cohen.)

*Ordered, by The House of Commons, to be Printed,
8 February 1895.*

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90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & CO., LIMITED, 104, Grafton Street, Dublin.

[*Price 6d.*]

[Bill 73.]

A

B I L L

TO

Amend the Tramways and Public Companies (Ireland)
Act, 1883.

A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 **1.**—(1.) Where under the Tramways and Public Companies (Ireland) Act, 1883, the dividend on any share capital of a company has been guaranteed by a barony, the Lord Lieutenant may with the consent of the Treasury, and with the consent of the company and of the grand jury of any county in which the tramway is
10 situated given in the manner required by this Act, provide by Order in Council for the redemption by the Treasury under this Act of their liability in respect of the guaranteed dividend, and may by the Order provide for the payment and application of the money paid for the redemption, for any consequential reduction and
15 rearrangement of the capital of the company and of the baronial guarantee, for increased provision for securing the public interests whether by means of directors or otherwise, for any other change in the constitution of the company, and for all such matters as may seem necessary or expedient for carrying into effect the
20 purposes of the Order.

Arrange-
ment for
redemption
of Treasury
contribution
to tramway
guarantee.

46 & 47 Vict.
c. 43.

(2.) Any such Order in Council shall be subject to the like petition of appeal and confirmation as an order under the said Tramways and Public Companies (Ireland) Act, 1883.

- (3.) For the purpose of this section the company may give their
25 consent by resolution of a meeting specially called for the purpose, and the grand jury may give their consent by a presentment.

2.—(1.) *The Treasury may consent to redeem, and may redeem their liability to the grand jury in respect of the guaranteed dividend on the share capital of the company by payment of a capital sum*

Terms for
redemption
by Treasury
of their

[Bill 166.]

A.D. 1895. *not exceeding in any case thirty-three and a third times the estimated annual amount of such liability; and upon the payment of that sum, the liability proposed to be thereby redeemed shall cease, but the aggregate sum which can be guaranteed by the Treasury shall be reduced by the maximum annual amount of the liability 5 redeemed.*

contribution
to guarantee.

(2.) *The amount required for any such payment may be advanced to the Treasury by the National Debt Commissioners, and shall be repaid with interest at the rate of three per cent. per annum by a terminable annuity for such period not exceeding thirty years as 10 may be determined by the Treasury, which annuity shall be paid out of moneys provided by Parliament for the service of the Board of Works, and if and so far as not so paid shall be charged on and paid out of the Consolidated Fund of the United Kingdom or the growing produce thereof, and the amount of such annuity shall be 15 certified under the hand of the actuary and controller or assistant controller of the National Debt Office.*

Enforcement
of obligation
as to main-
tenance and
working of
tramway.

3.—(1.) *The redemption of their liability by the Treasury under this Act shall not affect the obligation of the company or any grand jury under the principal Acts as regards the efficient main- 20 tenance and working of the tramway, and if at any time it appears to the Lord Lieutenant on the report of the Board of Trade that such obligation is not fulfilled, he shall declare the same, and thereupon until the Lord Lieutenant declares that the obligation is being fulfilled, the grand jury shall pay to the Crown an annual 25 sum (accruing from day to day) equal to three per cent. on the capital sum paid by the Treasury for the redemption of their liability; and such sum as may be from time to time certified by the Board of Works to be due under this enactment shall be paid by the grand jury at the cost of the guaranteeing baronies or other 30 guaranteeing areas, and section four of the Public Works Loans (Ireland) Act, 1877, shall apply as if the sum and certificate were such sum and certificate as are in that section mentioned.*

40 & 41 Vict.
c. 27.

Short title
and con-
struction.

23 & 24 Vict.

c. 152.

24 & 25 Vict.

c. 102.

34 & 35 Vict.

c. 114.

39 & 40 Vict.

c. 65.

44 & 45 Vict.

c. 17.

46 & 47 Vict.

c. 43.

(2.) *Any declaration of the Lord Lieutenant for the purposes of this section may be made as often as occasion arises.* 35

4. *This Act may be cited as the Tramways (Ireland) Act, 1895, and shall be construed as one with the principal Acts; that is to say, the Tramways and Public Companies (Ireland) Act, 1883, and the Tramways (Ireland) Acts as therein defined.*

Tramways (Ireland) **(No. 2).** ---

A

B I L L

To amend the Tramways and Public
Companies (Ireland), Act, 1883.

*(Prepared and brought in by
Sir John Hibbert, Mr. Chancellor of the
Exchequer, and Mr. John Morley.)*

*Ordered, by The House of Commons, to be Printed,
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90, West Nile Street, Glasgow; or
HODGERS, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[Price 3d.]

[Bill 166.]

A

B I L L

TO

Facilitate the working of Tramways by Local Authorities. A.D. 1895.

WHEREAS by the Tramways Act, 1870, certain powers are given to local authorities to construct and to acquire tramways :

And whereas by the said Act certain powers are given to local authorities to demise or lease tramways so constructed or acquired
5 by them, but no powers are given to local authorities to place or run carriages upon such tramways, or to demand or take tolls and charges in respect of the use of such carriages :

And whereas it has been found that local authorities are in many cases unable to demise or lease under the provisions in the said Act
10 contained the tramways so constructed or acquired by them at an adequate rent and under fair and proper conditions :

And whereas in order to provide due facilities for the public traffic, and in order to prevent the over-working of persons employed on the carriages used on the tramways constructed or acquired by
15 the local authorities, and for divers other good and sufficient reasons, it is expedient that powers of placing and running carriages on the said tramways constructed and acquired by local authorities and of taking tolls in respect thereof shall be given to local authorities :

20 Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows (that is to say) :

1. This Act may be cited as the Tramways (Local Authorities) Short title.
25 Act, 1895.

2. This Act shall not extend to Ireland.

Act not to
extend to
Ireland.

3. This Act shall come into operation on the day
of one thousand eight hundred and ninety-five, Commence-
which date is herein-after referred to as the commencement of Act.

30 this Act.

[Bill 26.]

A.D. 1895.

Construc-
tion.

4. The Tramways Act, 1870, is herein-after referred to as "the principal Act," and this Act shall, so far as is consistent with the tenor thereof, be construed as one with the principal Act, and the terms of this Act shall have the same meanings as in the principal Act.

5

Repeal of
provisions
inconsistent
with this
Act.

5. All enactments contained in the principal Act which are inconsistent with this Act are repealed, but this repeal shall not affect the validity of anything done or suffered under the principal Act before the commencement of this Act.

Powers to
local autho-
rities in
respect of
tramways.

6. When a tramway has been completed under the provisions of the principal Act by any local authority, or where any local authority has under the provisions of such Act acquired possession of any tramway, the Board of Trade may, in the event of such local authority being unable to demise the tramway upon such terms as in the opinion of the Board of Trade will yield to the local authority an adequate rent therefor, grant a licence to such local authority to work such tramway, and the local authority may thereupon work the same and may acquire and provide such plant, materials, and things as may be requisite or convenient for the purpose, may demand and take tolls and charges in respect of the use of such carriages, and may exercise all the powers which could have been exercised under the principal Act by the person, persons, corporation, or company in section nineteen of the principal Act described as lessees. Provided that if at any time during such working by such local authority any company make to such local authority a tender in writing to take a lease of and to work the tramway for such period (not being less than *seven years* unless such local authority shall otherwise agree) at such rent and upon such terms and conditions as shall in the opinion of the Board of Trade be adequate and proper, and such company at the same time offer to purchase such plant, materials, and things as may have been acquired and provided by such local authority as aforesaid, at a price to be fixed, in case of difference, by a competent valuer to be appointed by the Board of Trade, then upon payment of such price such local authority shall demise the tramway to such company upon such terms and conditions as aforesaid, and the powers of such local authority to work the tramway shall cease during the continuance of such lease.

Expenses
to be charged
on local
rate.

7. The expenses of carrying into effect the powers conferred by section six of this Act upon local authorities shall be paid by the local authority exercising such powers out of the local rate, and

40

any such expense shall be deemed to be an expense for purposes for which such local rate may be made and to which the same may be applied, and the powers as to extending the limit of such local rate and borrowing upon the credit of such local rate contained in
5 section twenty of the principal Act shall apply as if expenses under this section were expenses under that section. A.D. 1895.

Tramways (Local Authorities).

A

B I L L

To facilitate the working of Tramways
by Local Authorities.

(Prepared and brought in by
*Mr. Schwann, Sir Joseph Leigh, Mr. Addison,
Mr. Neville, Mr. Charles Fennich,
Mr. John Wilson (Durham), and Mr. Byles.*)

*Ordered, by The House of Commons, to be Printed,
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50, West Nile Street, Glasgow; or
HODGES, FIGGERS, & CO., LIMITED, 104, Grafton Street, Dublin.

[*Price 1d.*]

[Bill 26.]

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act 1870 relating to City of Gloucester Tramways London United Tramways and Somerton Keinton-Mandeville and Castle Cary Tramways. A.D. 1895.

WHEREAS under the authority of the Tramways Act 1870 the Board of Trade have made the several Provisional Orders set out in the schedule to this Act annexed :

And whereas a Provisional Order made by the Board of Trade under the authority of the said Act is not of any validity or force whatever until the confirmation thereof by Act of Parliament :

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the authority of the said Act and set out in the schedule to this Act annexed be confirmed by Act of Parliament :

Be it therefore enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

1. This Act may be cited as the Tramways Orders Confirmation (No. 1) Act 1895. Short title.

2. The several Orders as amended and set out in the schedule to this Act annexed shall be and the same are hereby confirmed and all the provisions thereof in manner and form as they are set out in the said schedule shall from and after the passing of this Act have full force and validity and the dates of the same respectively shall be the date of the passing of this Act. Confirmation of Orders in schedule.

3. The Promoters mentioned in the said Orders shall not in the exercise of the powers of this Act or of the said Orders purchase or acquire in any city borough or other urban district or in any parish or part of a parish not being within an urban Protection of houses of labouring class.

[Bill 324.] A

A.D. 1895. district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December 5 but have been or shall be subsequently so occupied.

For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others 10 except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

SCHEDULE.

15

LIST OF ORDERS.

CITY OF GLOUCESTER TRAMWAYS.—Order authorising the construction of Tramways in the City of Gloucester and the neighbourhood thereof and for other purposes.

LONDON UNITED TRAMWAYS.—Order authorising the construction of Tramways 20 in the Parish of Hammersmith in the County of London and the Parish of Acton in the County of Middlesex and for other purposes.

SOMERTON KEINTON-MANDEVILLE AND CASTLE CARY TRAMWAYS.—Order authorising the Somersetshire Tramways Company Limited to construct new or deviated Tramways in the County of Somerset and to amend the 25 Somerton Keinton-Mandeville and Castle Cary Tramways Order 1892.

CITY OF GLOUCESTER.

A.D. 1895.

Order authorising the Construction of Tramways in the City of Gloucester and the neighbourhood thereof and for other purposes.

5 1. This Order may be cited as the City of Gloucester Tramways Order 1895. Short title.

2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the Promoters of the undertaking) and of the Tramways Act 1870 are hereby incorporated with this Order except where the same are inconsistent with or expressly varied by this Order. Incorporation of Acts.

3. The several words terms and expressions to which by the Acts in whole or in part incorporated with this Order meanings are assigned have in this Order the same respective meanings. Interpretation.

15 Provided that in this Order—

The expressions “the tramways” and “the undertaking” shall mean respectively the tramways and works and the undertaking by this Order authorised :

20 The expression “the Promoters’ authorised tramways” shall mean the tramways and works and the undertaking authorised by the Gloucester Tramways Order 1878 :

The expression “the Order of 1878” shall mean the Gloucester Tramways Order 1878 :

25 The expression “mechanical power” or “mechanical appliances” shall include the posts brackets wires fittings and all other works appliances or things which shall form part of or be required for or be used in connexion with the electrical or other mechanical power by this Order authorised to be used :

30 The expressions “local authority” and “road authority” shall mean respectively the local authority and the road authority of the districts within which any of the Company’s tramways are by the Order of 1878 or this Order authorised to be constructed.

Promoters.

4. The City of Gloucester Tramways Company Limited (who are the successors or assigns of the Gloucester Tramways Company Limited with regard to the Promoters authorised tramways) shall be the Promoters for the purposes of this Order and are in this Order referred to as “the Promoters.” The Promoters.

Lands.

5. The Promoters may by agreement from time to time purchase take on lease and acquire for the purposes of the undertaking such lands as they may require and may from time to time sell let and dispose of any such lands which may not be necessary for such purposes : Provided that they shall not at any time hold for such purposes more than five acres of land but nothing in this Order

A.D. 1895. shall exonerate the Promoters from any indictment action or other proceeding
Gloucester. for nuisance in the event of any nuisance being caused or permitted by them
upon lands taken under the powers of this section.

Construction of Tramways.

Construction
of tramways.

6. The Promoters may construct and maintain subject to the provisions of this 5
Order and in accordance with the plans and sections deposited for the purposes
of this Order at the office of the Board of Trade as the same have been
amended previous to the passing of the Act confirming this Order (which
amended plans and sections are in this Order respectively referred to as "the
deposited plans" and "the deposited sections") the tramways herein-after 10
described with all proper rails points cross-overs posts brackets wires offices
weigh-bridges turn-tables engine-houses stables carriage-houses warehouses
works mechanical appliances and conveniences connected therewith or for the
purposes thereof and may work and use the same.

The tramways authorised by this Order are :—

15

Tramway No. 1 2'10 chains in length (which shall be laid as a double line
throughout and in substitution for a portion of the existing tramway) com-
mencing in Southgate Street in the parishes of St. Mary de Crypt and
St. Michael or one of them by a junction with the Company's existing
tramway in that street at a point 2'20 chains or thereabouts south-westward 20
from the intersection of the centre lines of Westgate Street and Southgate
Street and terminating in the last-named street in the parish of St. Mary
de Crypt by a junction with the Company's existing tramway at a point
2'10 chains or thereabouts south-westward from the commencement of the
tramway.

25

Tramway No. 2 2'50 chains in length (which shall be laid as a double line
throughout and in substitution for a portion of the existing tramway) com-
mencing in Southgate Street in the parish of St. Mary de Crypt by a
junction with the Company's existing tramway in that street at a point
2'00 chains or thereabouts northward from the intersection of the centre 30
lines of Commercial Road and Southgate Street and terminating in the last-
named street in the parish of St. Owen by a junction with the Company's
existing tramway at a point 0'50 chain or thereabouts southward from the
intersection of the centre lines of Commercial Road and Southgate Street.

Tramway No. 3 3'00 chains in length (which shall be laid as a double line 35
throughout and in substitution for a portion of the existing tramway) wholly
situate in Bristol Road in the South Hamlet commencing by a junction with
the Company's existing tramway in that road at a point 2'80 chains or
thereabouts northward from the intersection of the centre lines of Clifton
Road and Bristol Road and terminating in the last-named road by a 40
junction with the Company's existing tramway at a point 3'00 chains or
thereabouts southward from the commencement of the tramway.

Tramway No. 4 2 furlongs 9'80 chains in length of which 2 furlongs 0'30
chain will be single line and 9'50 chains will be double line commencing in
Bristol Road in the South Hamlet by a junction with the termination of the 45
Company's existing tramway in that road opposite Alma Place passing
thence in a southerly direction along the Bristol Road and terminating

therein in the parish of Hempstead and the parish of Tuffley or one of them at a point 0·10 chain or thereabouts northward from the intersection of the centre lines of Tuffley Avenue and Bristol Road.

A.D. 1895.
Gloucester.

This tramway will be a single line except between the following points where it will be a double line viz. :—

From its commencement for a length of 3·00 chains.

In Bristol Road between points respectively 2·00 chains northward and 1·00 chain southward from the intersection of the centre lines of Linden Road and Bristol Road.

10 In Bristol Road between points respectively 2·20 chains northward and 0·30 chain southward from the intersection of the centre lines of Tudor Street and Bristol Road.

At its termination for a length of 1·00 chain.

15 Tramway No. 5 3·50 chains in length (which shall be laid as a double line throughout and in substitution for a portion of the existing tramway) wholly situate in Barton Street in the hamlet of Barton St. Mary commencing by a junction with the Company's existing tramway in that street at a point 4·10 chains or thereabouts north-westward from the centre of the Midland Railway Company's level crossing in Barton Street and terminating in the last-named street by a junction with the Company's existing tramway at a point 0·60 chain or thereabouts north-westward from the centre of the said level crossing.

20 Tramway No. 6 4 furlongs 9·95 chains in length of which 2 furlongs 3·40 chains will be single line and 2 furlongs 6·55 chains will be double line commencing in Lower Barton Street in the hamlet of Barton St. Mary by a junction with the Company's existing tramway in that street at a point 2·50 chains or thereabouts north-westward from the intersection of the centre lines of St. James' Street and Lower Barton Street passing thence in a south-easterly direction along Lower Barton Street and Portway and terminating in the last-named road or street in the parish of Upton St. Leonard at a point 0·95 chain or thereabouts south-eastward from the point of intersection of the centre lines of Cemetery Road and Portway.

This tramway will be a single line except between the following points where it will be a double line viz. :—

35 From its commencement for a length of 3·00 chains.

In Lower Barton Street between a point 0·30 chain south-eastward from the intersection of the centre lines of Clement Street and Barton Street and a point 3·00 chains south-eastward from the intersection of the centre lines of Salisbury Road and Lower Barton Street.

40 In Portway between points respectively 0·25 chain and 4·50 chains south-eastward from a point in the roadway under the centre of the railway bridge carrying the Great Western Railway over Portway and commonly known as Chequers Bridge.

45 In Portway between points respectively 6·00 chains and 9·00 chains north-westward from the termination of the tramway.

At the termination of the tramway for a length of 1·00 chain.

Provided always that where according to the deposited plans it is proposed to lay any part of the tramways as a single line in any portion of a road where the roadway is of a less width than 23 feet 6 inches the promoters shall if required

A.D. 1895.
Gloucester.

by the local authority and road authority of such district within twenty-one days after receiving notice of the Promoters intention to commence the tramways or to break up the road in question in lieu of such single line lay down a double or interlacing line of tramway with all necessary cross-over lines and moveable points and every such double or interlacing line shall be so laid that one only of such lines can be used at one and the same time. 5

The tramways will be made and pass from in through or into the following parishes hamlets or extra-parochial places viz. The parishes of St. Mary de Crypt St. Michael and St. Owen the South Hamlet and the hamlet of Barton St. Mary all in the city of Gloucester and the parishes of Upton St. Leonard Hempestad and Tuffley all in the county of Gloucester. 10

Provisions as
to construction
of tramways.

7. In addition to the requirements of section 26 of the Tramways Act 1870 the Promoters shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing laying down maintaining or renewing any of the tramways authorised by the Order of 1878 or this Order lay before the Board of Trade and the road authority a plan showing the proposed mode of constructing laying down maintaining and renewing such tramways and a statement of the materials intended to be used therein and the Promoters shall not commence the construction laying down maintenance or renewal of any of the tramways or part of any of the tramways respectively except for the purpose of necessary repairs until such plan and statement have been approved by the Board of Trade and the road authority and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority as provided by section 26 of the said Act. 15 20 25

Power to lay
certain lines in
place of others.

8. The Promoters in any street or road in which they may have laid down or are authorised by the Order of 1878 or this Order to lay down a single line of tramway may with the consent in writing of the Board of Trade and of the road authority in lieu thereof lay down a double line or an interlacing line of tramway and in any street or road in which they may have laid down or are authorised as aforesaid to lay down a double line or an interlacing line of tramway they may with the like consents in lieu thereof lay down a single line of tramway and in any street or road in which they may have laid down or are authorised as aforesaid to lay down a double line of tramways they may with the like consents in lieu thereof lay down an interlacing line of tramway and *vice versa*. Provided nevertheless that in the construction of any such works no rail shall except with the like consent of the Board of Trade and of the road authority be so laid that a less space than nine feet six inches shall intervene between such rail and the outside of the footpath on either side of the road if the owner or occupier of any house shop or warehouse abutting upon the place where such rail is so proposed to be laid by notice in writing under his hand addressed to the Board of Trade or to the Promoters express his objection thereto. 30 35 40

For protection
of the Cor-
poration of
Gloucester,
and the Glou-
cestershire
County Council.

9. The following provisions for the protection and benefit of the mayor aldermen and citizens of the city of Gloucester in the county of the city of Gloucester and the Gloucestershire County Council respectively (each of which authorities is in this section so far as regards the tramways within the district of such authority included in the term "local authority") shall (in addition to any other provisions for the protection of local and road authorities contained in the 45

Tramways Act 1870 or the Order of 1878 or this Order) apply and have effect with respect to the tramways authorised by this Order and also as far as applicable to the tramways authorised by the Order of 1878. A.D. 1895.
Gloucester.

- 5 (1.) Whenever the space or width between any kerb or footway and the nearest rail of the tramways is less than four feet section 28 of the Tramways Act 1870 and the provisions of this Order with respect to the paving and maintaining of certain portions of any road whereon any of the tramways are laid other than sub-section (2) of this section shall extend and apply to the portion of the road between such kerb or footway and the nearest rail in the same manner as to the portion of the road between the rails of the tramways. (Portions of road to be paved by the Promoters.)
- 10 (2.) The Promoters shall if and when required by the local authority take up the granite setts between and on each side of the rails of the tramways at and within 25 yards of the Cross and between the Cross and Clarence Street and shall in lieu thereof lay down a paving of creosoted wood blocks upon a substructure of concrete or other suitable material to the satisfaction of the local authority. Provided however that the Promoters shall only be required to substitute such wood paving for granite if and when the local authority shall pave the remainder of the roadway with similar material. (Wood paving in certain places.)
- 15 (3.) The Promoters shall at all times maintain and keep in good condition and repair and so as not to be a danger to the ordinary traffic the rails of which any of the tramways authorised by the Order of 1878 or this Order for the time being consist and the substructure upon which the same rest and if the Promoters at any time make default in complying with this provision or with any of the requirements of section 28 of the Tramways Act 1870 they shall for every such offence be subject on information laid or complaint made to a penalty not exceeding five pounds and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues after conviction thereof and such penalty may be recovered as by section 56 of the said Act is provided. (Penalty for not maintaining rails and road in good condition.)
- 20 In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of such district that the Promoters have made any such default as aforesaid the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by the Board of Trade may be adduced as evidence of such default and of the liability of the Promoters to such penalty or penalties in respect thereof as is or are imposed by this section. (Application of road materials excavated in construction tramways).
- 25 (4.) Any paving metalling or material excavated by the Promoters in the construction of the tramways from any roads under the jurisdiction or control of any road authority may be applied by the Promoters so far as may be necessary in or towards the reinstating of such roads and the Promoters shall if so required deliver the surplus paving metalling or material not used or required for the purposes aforesaid to the surveyor for the time being of such road authority or to such person as he may appoint to receive the same. Provided that if within seven days after the setting
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aside of the surplus arising from the excavation of any such paving metalling or material and notice thereof in writing duly given to the road authority such surplus is not removed by such surveyor or by some other person named by him for that purpose such surplus paving metalling or material or so much thereof as may not have been removed by such surveyor or person shall absolutely vest in and belong to the Promoters and may be dealt with removed and disposed of by them in such manner as they may think fit Any difference between the Promoters and any road authority or surveyor or other persons with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act 1870 with respect to differences between the Promoters and any road authority.

(Local authority to have access to sewers water-mains &c.)

(5.) The local authority shall at all times have full power to open and break up any road along or across which any tramway is or shall be laid for the purpose of obtaining access to any of their sewers drains and water mains for the purpose of repairing re-laying enlarging or otherwise altering the same and laying lateral drains or service pipes in connexion therewith without the consent or concurrence of the Promoters and the provisions contained in sections 32 and 33 of the Tramways Act 1870 shall be applicable in the case of any sewer drain water main or service pipe of or under the control of the local authority as if the same had been expressly mentioned in those sections.

(Time for commencement and completion of works.)

(6.) The tramways authorised by this Order shall be completed within one year from the date of the commencement thereof and notice of any application for any extension of time for the commencement or completion of the tramways shall be served upon the local authority who shall be entitled to appear before the Board of Trade upon the hearing of such application.

(No mechanical power to be used without the consent of the local authority.)

(7.) The Promoters shall not use nor allow to be used electrical or any other mechanical power on the tramways without the consent or license in writing and under the seal of the local authority The local authority is hereby empowered from time to time to give such consent or license upon and subject to such terms and conditions as they may think fit not being inconsistent with the provisions of this Order and so that any such consent or license shall not operate for a longer period than seven years from the time specified in such consent or if no time be specified then from the date of such consent.

(Notice of intended sale of undertaking to be given to local authority.)

(8.) The Promoters shall prior to any sale of the Undertaking serve the local authority with one month's previous notice in writing of their intention to sell and the local authority shall have full power to be heard before the Board of Trade as to the expediency of such sale.

(Provision in case of discontinuance.)

(9.) Notwithstanding anything in the Tramways Act 1870 or in this Order contained if at any time after the opening of any of the tramways for traffic the working of such tramways shall be discontinued for the space of three calendar months after notice in writing from the local authority requiring the Promoters to work the same (such discontinuance not being occasioned by circumstances beyond the control of the Promoters for which purpose the want of sufficient funds shall not be deemed a circumstance beyond their control) the local authority may by resolution apply to the Board of Trade to declare that the powers of the Promoters in respect of the tramways within the district of the local authority shall be at an end and thereupon if the Board of Trade so declare by order in writing the said powers

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shall cease and determine and the Promoters shall thereupon remove such tramways or any part thereof and restore the roadway wherein such tramways are situate to the satisfaction of the surveyor of the local authority and in default of the Promoters removing such tramways within six weeks the local authority may remove such tramways or any part thereof and restore the roadway wherein such tramways are situate and the local authority shall sell so much of the materials of such tramways as shall not be required by them for restoring such roadway and out of the proceeds of such sale shall pay and reimburse themselves the expenses incurred by them in such removal and restoration and the balance (if any) shall be paid to the Promoters or if such proceeds of sale shall be insufficient to pay such expenses the Promoters shall on demand pay such deficiency to the local authority and in case of non-payment the same shall be recoverable by the local authority by all and the same means as any simple contract debt of like amount may be recovered.

(10.) All sums which may become due or payable by the Promoters to the local authority under the provisions of this Order or of any other Order or of any Act of Parliament and all penalties damages costs charges and expenses under this Order or any provisions incorporated with this Order or under any byelaw made by the local authority under this Order or the Tramway Act 1870 may be enforced and recovered either in any court of summary jurisdiction or in any court of competent jurisdiction with full costs.

(Recovery of penalties &c.)

10. Save as by this Order otherwise expressly provided the provisions of sections 7 10 to 12 inclusive 14 to 17 inclusive 19 to 22 inclusive and 24 and 25 of the Order of 1878 shall so far as applicable extend and apply to the tramways by this Order authorised in like manner in every respect as if the tramways by this Order authorised were part of the tramways in the Order of 1878 referred to and for the purposes of such application the expressions "the tramways" "the Company" "the local authority" "the road authority" and "this Order" in the said provisions shall be construed to mean respectively the tramways as defined by this Order the Promoters of this Order the local authority and the road authority respectively as defined by this Order and this Order.

Extending to this Order certain sections of the Order of 1878.

Motive Power.

11. The carriages used upon the Promoters authorised tramways and upon the tramways by this Order authorised (all of which tramways are in the provisions of this Order with respect to motive power included in and referred to under the description of "the said tramways") may subject to the provisions of this Order be moved by animal power and with the consent in writing of the Board of Trade during a period not exceeding seven years from the time specified in such consent and with the like consent during such further periods not exceeding seven years respectively as the said Board may from time specify in any order to be signed by a Secretary or an Assistant Secretary of the said Board by means of electrical or other mechanical power.

Carriages may be moved by animal electrical or other mechanical power.

Provided that the powers hereby conferred with respect to the use of any such power other than animal power shall be exercised only in accordance with regulations to be prescribed by the Board of Trade (herein-after referred to as "the prescribed regulations") and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of

A.D. 1895. Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of the powers by this Order conferred with respect to the use of any power other than animal power on the said tramways.

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Penalty for using electrical or other mechanical power contrary to Order or regulations.

12. If the Promoters or any other company or person shall use electrical or other mechanical power on any of the said tramways contrary to the provisions of this Order or to any of the prescribed regulations or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Order they or he shall for every such offence be subject to a penalty not exceeding ten pounds and also in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first during which such offence continues after conviction thereof. Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Promoters or any other company or person using electrical or other mechanical power on the said tramways under the authority of this Order have or has made default in complying with the provisions of this Order or with any of the prescribed regulations or with any regulations which may have been added thereto or substituted therefor as aforesaid may by order direct the Promoters or such other company or person to cease to exercise the powers aforesaid and thereupon the Promoters or such other company or person shall cease to exercise the powers aforesaid and shall not again exercise the same or any of the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Byelaws.

13. Subject to the provisions of this Order the Board of Trade may from time to time make and when made may rescind annul or add to byelaws with regard to all or any of the said tramways upon which electrical or other mechanical power may be used under the authority of this Order for all or any of the following purposes that is to say:—

For regulating the use of the bell whistle or other warning apparatus fitted to the carriage:

For providing that carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety:

For regulating the entrance to exit from and accommodation in the carriages used on such tramways and the protection of passengers from the machinery of any carriage used for drawing or propelling such carriage:

For providing for the due publicity of all regulations and byelaws in force for the time being in relation to such tramways by exhibition of the same in conspicuous places on the carriages and elsewhere.

Any person offending against or committing a breach of any of the bye-laws made by the Board of Trade under the authority of this Order shall be liable to a penalty not exceeding forty shillings.

As to recovery of penalties.

14. The provisions of the Tramways Act 1870 with respect to the recovery of penalties shall apply to any penalty under this Order and to any penalty for non-observance of any byelaw made by the Board of Trade under the authority of this Order.

15. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the local authority to make any byelaw sanctioning a higher rate of speed than that authorised by this Order or by any regulation made by the Board of Trade under the authority of this Order at which carriages are to be driven or propelled on the said tramways under the authority of this Order but the local authority may if they think fit make byelaws under the provisions of the said Act for restricting the rate of speed to a lower rate than that so prescribed.

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Amendment of the Tramways Act 1870 as to byelaws by local authority.

10 16. All orders and byelaws made by the Board of Trade under the authority of this Order shall be signed by a Secretary or an Assistant Secretary of the Board of Trade.

Orders and byelaws.

15 17. Where the Promoters or any other company or person intend or intends to use electrical or other mechanical power under the authority of this Order on the said tramways or any part thereof they or he shall give two months previous notice in writing of such intention to every road authority within whose district the said tramways or such part thereof upon which they or he intend or intends to use such power are or is situate.

As to contracts with road authorities where electrical or other mechanical power is to be used.

20 Where at the time of giving any such notice any contract agreement or arrangement between the Promoters or such other company or person and such road authority is in force with respect to the user by the Promoters or such other company or person or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which the said tramways or such part of the said tramways are or is laid or with respect to the payment by the Promoters or such other company or person to such road authority of any annual or other sum in relation to such user paving and keeping in repair of such road then and in every such case with the consent of the Board of Trade it shall be lawful for the Promoters or such other company or person by such notice or for such road authority by notice to be served upon the Promoters or such other company or person not later than forty days after the receipt by such road authority of such first-mentioned notice to determine such contract agreement or arrangement and thereupon such contract agreement or arrangement shall from and after the commencement of the use of electrical or other mechanical power upon the said tramways or such part thereof be determined and of no effect.

35 Before using electrical or other mechanical power on the said tramways or any part thereof and thereafter from time to time the Promoters or such other company or person and every such road authority may enter into or renew with or without modification any contract agreement or arrangement with respect to the user by the Promoters or such other company or person or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which the said tramways or such part thereof are or is laid or with respect to the payment by the Promoters or such other company or person to such road authority of any annual or other sum in relation to such user paving or keeping in repair of such road which they may think fit and the Board of Trade may approve.

40 In case any difference arises between any such road authority and the Promoters or such other company or person as to the determination of any such contract agreement or arrangement or in case any such road authority after request in writing by the Promoters or such other company or person or the

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Promoters or such other company or person after request in writing by any such road authority during a period of one month after such request refuse or fail to enter into any such contract agreement or arrangement or to renew the same with or without modification or to make a new contract instead thereof or in case of any difference as to the terms of any such contract agreement or arrangement or any renewal thereof with or without modification or any new contract instead thereof then and in every such case the difference with respect to such determination or the reasonableness of such refusal or failure or the terms of such contract agreement or arrangement or any renewal thereof with or without modification or any new contract instead thereof shall from time to time on the appeal of either of the parties to the Board of Trade be determined in manner provided by the Tramways Act 1870 with respect to differences between the Promoters and any road authority and thereupon the parties shall in all respects conform to such determination and make and observe any contract agreement or arrangement thereby prescribed. Provided always that while any such appeal is pending the Board of Trade may order that no electrical or other mechanical power shall be used on the said tramways to which such appeal relates.

No electrical or other mechanical power shall be used on the said tramways or any part of the said tramways unless there is in force in relation to the said tramways or such part of the said tramways a contract agreement or arrangement in accordance with the provisions of this section.

Any moneys which may from time to time be received by such road authority under any contract agreement or arrangement in accordance with the provisions of this section shall be applied by them towards the expenses of repairing improving and maintaining the highways within their district having regard in the first instance to the requirements of the roads upon which the said tramways or any part of the said tramways within such district are or is laid.

Where electrical or other mechanical power is used contract with road authority not to be for longer than two years at a time.

18. Where electrical or other mechanical power is used by the promoters or any other company or person on the said tramways or any part thereof no contract agreement or arrangement made before or after the commencement of the use of electrical or other mechanical power as aforesaid between the Promoters or such other company or person and any road authority with respect to the user by the Promoters or such other company or person or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which the said tramways or such part thereof are or is laid or with respect to the payment by the Promoters or such other company or person to such road authority of any annual or other sum in relation to such user paving and keeping in repair of such road shall continue in force for any period exceeding two years at any one time after the commencement of the use of electrical or other mechanical power as aforesaid or the making of such contract agreement or arrangement. Provided always that any such contract agreement or arrangement may from time to time be renewed with or without modification or a new contract agreement or arrangement may be made instead thereof.

Restrictions on use of electrical power.

19. The following provisions shall apply to the use by the Promoters of electrical power under the provisions of this Order unless such power is entirely contained in and carried along with the carriages:—

- (1.) The Promoters shall employ either insulated returns or uninsulated metallic returns of low resistance.

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(2.) The Promoters shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances.

(3.) The powers by this Order conferred with respect to the use of electrical power shall be exercised only in accordance with the prescribed regulations and with any regulations which may be added thereto or substituted therefor respectively by any Order which the Board of Trade may and which they are empowered to make from time to time as or when they may think fit for regulating the employment of insulated returns or of uninsulated metallic returns of low resistance for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return.

(4.) If the Promoters use electrical power contrary to the provisions of this Order or to any of the prescribed regulations or to any regulations added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Order they shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence continues after conviction thereof Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Promoters in the use of electrical power under the authority of this Order have made default in complying with the provisions of this Order or with any of the prescribed regulations or with any regulation which may have been added thereto or substituted therefor as aforesaid may by order direct the Promoters to cease to use electrical power and thereupon the Promoters shall cease to use electrical power and shall not again use the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such Order.

(5.) The Promoters shall take all reasonable and proper precautions in constructing placing and maintaining their electric lines circuits and other works of any description and in using their electric lines circuits and other works so as not injuriously to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus Provided always that the Promoters shall be deemed to take all such reasonable and proper precautions as aforesaid if and so long as they adopt and employ at the option of the Promoters either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as the Board of Trade shall direct and in giving such directions the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking Provided also that at the

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expiration of two years from the passing of the Act confirming this Order nothing in this sub-section shall operate to give any right of action in respect of or to protect any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents If any difference arises between the Promoters and any other party with respect to anything in this sub-section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be.

(6) Nothing in this section shall apply to the use of any electric line circuit or work of any company corporation or person authorised by Act of Parliament or Provisional Order confirmed by Parliament to supply energy for electric lighting purposes so far as such use is limited to such purposes.

(7) The expression "the Promoters" in this section shall include their lessees and the licensees and any person owning working or running carriages by electrical power over the said tramways.

Power to place posts wires &c.

20. Subject to the provisions of this Order the Promoters may with the previous consent in writing of the Board of Trade and the local and road authorities place and maintain in or over any street or road in which the said tramways are or may be laid such posts brackets and overhead wires as may be necessary and proper for working the same by electrical or other mechanical power Provided that such posts brackets and overhead wires shall be placed in such positions as the road authority may reasonably require.

Posts &c. to be removed if user discontinued.

21. If the Promoters shall discontinue the use of any posts brackets or overhead wires placed or maintained in or over any street or road for supplying electrical motive power to the carriages used upon the said tramways or if the right of the Promoters to use electrical motive power supplied by means of any such posts brackets or wires shall cease and determine the Promoters shall forthwith at their own cost remove such posts brackets and wires and shall restore and make good such streets and roads to the satisfaction of the road authority and in case of default the road authority may do all things necessary for that purpose and recover the costs and expenses thereof with full costs of suit from the Promoters.

Power to lay and maintain pipes and make openings in streets.

22. The Promoters may with the previous consent of the local and road authorities from time to time lay and maintain pipes and make openings or ways in or under the surface of any road footpath or place in order to lay use and maintain electric wires for transmitting motive power for the carriages running on the said tramways but in every such case the Promoters shall forthwith reinstate and make good the surface of such road footpath or place to the satisfaction of the local or road authority Provided that this power shall not authorise or empower the Promoters to lay down or place any pipe or other works into through or against any building or in any land not dedicated to public use without the consent of the owners and occupiers thereof.

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Tolls.

23. Section 18 of the Order of 1878 is hereby repealed and the following provisions shall apply and have effect in lieu thereof:—The Promoters may demand and take for every passenger travelling upon any of the tramways authorised by the Order of 1878 or this Order or any part thereof including tolls and charges for the use of the tramways and of carriages and for motive power and every other expense incidental to such conveyance any tolls or charges not exceeding one penny per mile (and for this purpose the fraction of a mile shall be deemed a mile) but the Promoters may charge for any less distance than two miles any sum not exceeding two pence.

24. It shall not be lawful without the consent of the local authority for the Promoters or any company or person working or using the tramways to take or demand on Sunday or any bank or other public holiday any higher tolls or charges than those levied by them on ordinary week-days.

As to fares on Sundays and holidays.

25. If at any time after the passing of the Act confirming this Order so far as regards the tramways authorised by the Order of 1878 or at any time after three years from the opening for public traffic of the tramways or any portion of the tramways authorised by this Order so far as regards those tramways or after three years from the date of any Order made in pursuance of this section in respect of the tramways or any portion of the tramways authorised by this Order or by the Order of 1878 it is represented in writing to the Board of Trade by the local authority of any district in which the tramways or such portion of the tramways are or is wholly or partially situate or by twenty inhabitant ratepayers of any such district or by the Promoters that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the tramways or on such portion of the tramways should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section Provided always that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Order authorised Provided also that a copy of this section shall be annexed to every table or list of tolls published or exhibited by the Promoters.

Periodical revision of tolls.

Miscellaneous.

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26. In case any local or road authority shall at any time refuse or withhold any consent or approval required by the Tramways Act 1870 the Order of 1878 or this Order and in the opinion of the Promoters such refusal or withholding of consent or approval is unreasonable or in case any difference arises between any local or road authority and the Promoters touching the reasonableness of any requirement of such local or road authority under such Act or Orders the Board of Trade may on the application of the Promoters whereof previous notice in

Consents of local and road authorities.

A.D. 1895. writing shall have been given by the Promoters to such local or road authority themselves determine the matter in question with respect to such refusal or
Gloucester. withholding of consent or approval or such difference and the same shall not be deemed a matter in difference between the Promoters and such local or road authority within section 33 of the Tramways Act 1870 and the costs of such 5 determination shall be in the discretion of the Board of Trade Provided always that nothing in this section shall apply to any consent or license required by or referred to in section 9 sub-section 7.

Removal of certain existing tramways. 27. The Promoters may for the purpose of constructing the tramways authorised by this Order or any of them take up and remove so much of the 10 tramways now existing in Southgate Street Bristol Road and Barton Street as may be required and on the granting by the Board of Trade of its certificate under the Tramways Act 1870 that any of the tramways by this order authorised to be constructed in substitution for any portion of the existing tramways is or are fit for public traffic all rights powers authorities obligations and 15 liabilities in relation to any portion of the existing tramways for which any such new tramway shall be substituted shall as from the date of such certificate cease and determine so far as regards such portion of the existing tramways.

Purchase of the undertaking authorised by the Order of 1878. 28. The period within which the corporation of the city of Gloucester may exercise the powers of purchase of the undertaking authorised by the Order of 20 1878 conferred on them by section 43 of the Tramways Act 1870 shall notwithstanding any provision to the contrary either in the said Order or Act be six months after the expiration of a period of fourteen years from the date of the opening for public traffic of Tramway No. 4 by this Order authorised Provided further that in the event of the Promoters commencing to work their tramways by 25 electrical or other mechanical power the first period within which the corporation may purchase the said undertaking and the undertaking by this Order authorised anything in the Tramways Act 1870 to the contrary notwithstanding shall be six months after the expiration of twenty-one years from the date of the commencement of working by electrical or other mechanical power. 30

Provisions as to arbitration. 29. Section 23 of the Order of 1878 is hereby repealed and the following provisions shall apply and have effect in lieu thereof:—Where under the provisions of the Tramways Act 1870 and this Order or the Order of 1878 any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Arbitration Act 1889 shall except where 35 otherwise specially provided apply to every such arbitration and the decision of the arbitrator shall be final and conclusive and binding on all parties and the costs of and incidental to the arbitration and award shall if either party so require be taxed and settled as between the parties by any one of the taxing masters of the High Court and such fees may be taken in respect of the taxation 40 as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters and all those enactments including the enactments relating to the taking of fees by means of stamps shall extend to the fees in respect of the said taxation.

For protection of the Postmaster-General. 30. In the event of any tramways of the Promoters being worked by electricity 45 the following provisions shall have effect:—

(1.) The Promoters shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due

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5 regard to the telegraphic lines from time to time used or intended to be
used by Her Majesty's Postmaster-General and the currents in such
telegraphic lines and shall use every reasonable means in the construction
of their electric lines and other works of all descriptions and the working
of their undertaking to prevent injurious affection whether by induction
or otherwise to such telegraphic lines or the currents therein. If any
question arises as to whether the Promoters have constructed their electric
lines or other works or work their undertaking in contravention of this
sub-section such question shall be determined by arbitration and the
10 Promoters shall be bound to make any alterations in or additions to their
system which may be directed by the arbitrator.

(2.) If any telegraphic line of the Postmaster-General is injuriously affected
by the construction by the Promoters of their electric lines and works or by
the working of the undertaking of the Promoters the Promoters shall pay
15 the expense of all such alterations in the telegraphic lines of the Postmaster-
General as may be necessary to remedy such injurious affection.

(3.) (a.) Before any electric line is laid down or any act or work for working
the tramways by electricity is done within ten yards of any part of a
telegraphic line of the Postmaster-General (other than repairs or the laying
20 of lines crossing the line of the Postmaster-General at right angles at the
point of shortest distance and so continuing for a distance of six feet on
each side of such point) the Promoters or their agents not more than
twenty-eight nor less than fourteen days before commencing the work shall
give written notice to the Postmaster-General specifying the course of the
line and the nature of the work including the gauge of any wire and the
Promoters and their agents shall conform with such reasonable requirements
(either general or special) as may from time to time be made by the
Postmaster-General for the purpose of preventing any telegraphic line of the
Postmaster-General from being injuriously affected by the said act or work.

30 (b.) Any difference which arises between the Postmaster-General and
the Promoters or their agents with respect to any requirements so made
shall be determined by arbitration.

(4.) In the event of any contravention of or wilful non-compliance with this
section by the Promoters or their agents the Promoters shall be liable to a
35 fine not exceeding ten pounds for every day during which such contra-
vention or non-compliance continues or if the telegraphic communication is
wilfully interrupted not exceeding fifty pounds for every day on which such
interruption continues.

(5.) Provided that nothing in this section shall subject the Promoters or their
agents to a fine under this section if they satisfy the court having cognisance
of the case that the immediate doing of the act or execution of the work
was required to avoid an accident or otherwise was a work of emergency
and that they forthwith served on the postmaster or sub-postmaster of the
postal telegraph office nearest to the place where the act or work was done
45 a notice of the execution thereof stating the reason for doing or executing
the same without previous notice.

(6.) For the purposes of this section a telegraphic line of the Postmaster-
General shall be deemed to be injuriously affected by an act or work if

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Gloucester.

telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work.

- (7.) For the purposes of this section and subject as therein provided sections two eight nine ten eleven and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with this Order as if the Promoters were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section seven of the Telegraph Act 1878 in relation to the matters mentioned in that section. 5 10
- (8.) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882.
- (9.) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections thirty to thirty-two of the Regulation of Railways Act 1868 shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act. 15
- (10.) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Promoters by indictment action or otherwise in relation to any of the matters aforesaid. 20

Carrying of
mails by
Promoters.

31. The Conveyance of Mails Act 1893 shall extend and apply to the Promoters authorised tramways as if those tramways had been authorised by an Act of Parliament passed after the 1st day of January 1893. 25

Saving for
general Acts.

32. Nothing in this Order contained shall exempt the Promoters or any person using the tramways or the tramways from the provisions of any general Act relating to tramways now in force or which may hereafter be passed during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of tolls and charges authorised by this Order. 30

LONDON UNITED.

A.D. 1895.

Order authorising the Construction of Tramways in the Parish of Hammersmith in the County of London and the Parish of Acton in the County of Middlesex and for other purposes.

*London
United.*

Short title.

Incorporation
of Acts.

Interpretation.

- 5 1. This Order may be cited as the London United Tramways Order 1895,
2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the Promoters of the undertaking) and of the Tramways Act 1870 are hereby incorporated with this Order except where the same are
- 10 inconsistent with or expressly varied by this Order and for the purposes of such incorporation the term "special Act" in the said provisions shall mean this Order.

3. The several words terms and expressions to which by the Acts in whole or in part incorporated with this Order meanings are assigned have in this Order
- 15 the same respective meanings.

Provided that in this Order—

- The expressions "the tramways" and "the undertaking" shall mean respectively the tramways and works and the undertaking by this Order authorised;
- 20 The expression "the Promoters authorised tramways" shall mean the tramways and works and the undertakings authorised by the Southall Tramway Order 1873 the Shepherd's Bush and Priory Road Acton Tramway Order 1876 the Shepherd's Bush and Hammersmith Tramways Order 1881 the West Metropolitan Tramways Act 1882 the West
- 25 Metropolitan Tramways Order 1887 and the West Metropolitan Tramways Act 1889;
- The expression "the Order of 1876" shall mean the Shepherd's Bush and Priory Road Acton Tramway Order 1876;
- The expression "the Order of 1881" shall mean the Shepherd's Bush and
- 30 Hammersmith Tramways Order 1881;
- The expression "the Act of 1882" shall mean the West Metropolitan Tramways Act 1882;
- The expression "the Order of 1887" shall mean the West Metropolitan Tramways Order 1887;
- 35 The expression "the Act of 1889" shall mean the West Metropolitan Tramways Act 1889;
- The expression "the Act of 1891" shall mean the West Metropolitan Tramways Act 1891;
- The expression "the Act of 1893" shall mean the West Metropolitan
- 40 Tramways Act 1893;
- The expressions "the local authority" and "the road authority" shall mean respectively the local authority and the road authority of the respective districts within which the tramways are by this Order authorised to be constructed.

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*Promoters.**London
United.*
The Promoters.

4. The London United Tramways Limited (who are the successors or assigns of the West Metropolitan Tramways Company with regard to the Promoters authorised tramways) shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters."

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*Lands.*Lands by
agreement.

5. The Promoters may by agreement from time to time purchase take on lease and acquire for the purposes of the undertaking such lands as they may require and may from time to time sell let and dispose of any such lands which may not be necessary for such purposes Provided that they shall not at any time hold for such purposes more than five acres of land But nothing in this Order shall exonerate the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon lands taken under the powers of this section.

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*Construction of Tramways.*Construction
of tramways.

6. The Promoters may construct and maintain subject to the provisions of this Order and in accordance with the plans and sections deposited for the purposes of this Order at the office of the Board of Trade as the same have been amended previous to the passing of the Act confirming this Order (which amended plans and sections are in this Order respectively referred to as "the deposited plans" and "the deposited sections") the tramways herein-after described with all proper rails points cross-overs posts brackets wires offices weigh-bridges turn-tables engine-houses stables carriage-houses warehouses works mechanical appliances and conveniences connected therewith or for the purposes thereof and may work and use the same.

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The tramways authorised by this Order are—

Tramway No. 1 5·24 chains in length (which shall be laid as a double line throughout and in substitution for a portion of the existing tramway) wholly situate in King Street in the parish of Hammersmith commencing by a junction with the company's existing tramway in that street at or near the intersection of the centre lines of Rivercourt Road and King Street and terminating by a junction with the company's existing tramway in the last-named street at a point 0·71 chain eastward from the intersection of the centre lines of Dalling Road and King Street.

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Tramway No. 2 3·98 chains in length (which shall be laid as a double line throughout and in substitution for a portion of the existing tramway) wholly situate in King Street in the parish of Hammersmith commencing by a junction with the company's existing tramway in that street at a point 0·23 chain or thereabouts eastward from the intersection of the centre lines of Studland Street and King Street and terminating by a junction with the company's existing tramway in the last-named street at a point 3·98 chains or thereabouts eastward from its commencement.

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Tramway No. 3 1·72 chain in length (which shall be laid as a double line throughout and in substitution for a portion of the existing tramway) wholly situate in King Street in the parish of Hammersmith commencing by a junction with the company's existing tramway in that street at a

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*London
United.*

point 0·83 chain or thereabouts westward from the intersection of the centre lines of Waterloo Street and King Street and terminating by a junction with the company's existing tramway in the last-named street at a point 0·89 chain or thereabouts eastward from the intersection of the centre lines of Waterloo Street and King Street.

5

Tramway No. 4 2·61 chains in length (which shall be laid as a double line throughout and in substitution for a portion of the existing tramway) wholly situate in King Street in the parish of Hammersmith commencing by a junction with the company's existing tramway in that street at a point 0·13 chain or thereabouts westward from the intersection of the centre lines of Mansion House Street and King Street and terminating by a junction with the company's existing tramway in the last-named street at a point 0·97 chain or thereabouts eastward from the intersection of the centre lines of Bridge Avenue and King Street.

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Tramway No. 5 2·96 chains in length (which shall be laid as a single line throughout and in substitution for a portion of the existing tramway) wholly situate in King Street in the parish of Hammersmith commencing by a junction with the company's existing tramway in that street at a point 0·15 chain or thereabouts westward from the intersection of the centre lines of Bradmore Lane and King Street and terminating by a junction with the company's existing tramway in the last-named street at a point 0·54 chain or thereabouts eastward from the intersection of the centre lines of The Grove and King Street.

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Tramway No. 6 5·90 chains in length (which shall be laid as a single line throughout) wholly situate in the parish of Hammersmith commencing in King Street by a junction with the company's existing tramway in that street and Tramway No. 5 at its commencement passing thence eastward along King Street and northward into and along The Grove and thence eastward into Beadon Road and terminating therein by a junction with the company's existing tramway in Beadon Road at a point 1·02 chain or thereabouts south-eastward from the intersection of the centre lines of Beadon Road and The Grove.

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Tramway No. 7 4 furlongs 8·18 chains in length (of which 3 furlongs 2·60 chains will be single line and 1 furlong 5·58 chains will be double line) wholly situate in the parish of Acton commencing in Uxbridge Road by a junction with Tramway No. 22 authorised by the Act of 1889 as amended by the Act of 1891 at or near the intersection of the centre lines of Birkbeck Grove and the said Uxbridge Road passing thence westward along the said Uxbridge Road and into and along High Street Acton and Acton Hill and terminating in the last-named road at or near the intersection of the centre lines of Brentford Lane and the said Acton Hill Provided always that no part of Tramway No. 3 shall be constructed opposite the premises of Messrs. Selden and Son (No. 120 King Street Hammersmith) without their consent in writing.

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The tramways will be made and pass from in through or into the following parishes namely:—The parish of Hammersmith otherwise St. Peter and St. Paul Hammersmith in the county of London and the parish of Acton in the county of Middlesex.

7. The Promoters in any street or road in which they may have laid down or are authorised to lay down a single line of tramway may with the consent in

Power to lay
certain lines in
place of others.

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United.*

writing of the Board of Trade and as regards tramways situate in the county of London with the like consent of the London County Council and the Vestry of Hammersmith and as regards tramways in the parish of Acton with the like consent of the county council of Middlesex and of the urban district council of Acton in lieu thereof lay down a double line or an interlacing line of tramway 5
and in any street or road in which they may have laid down or are authorised to lay down a double line or an interlacing line of tramway they may with the like consent in lieu thereof lay down a single line of tramway and in any street or road in which they may have laid down or are authorised to lay down a double line of tramway they may with the like consent in lieu thereof lay down 10
an interlacing line of tramway and vice versa. Provided nevertheless that in the construction of any such works no rail shall except with the like consents be so laid that a less space than nine feet six inches shall intervene between such rail and the outside of the footpath on either side of the road if the owner or occupier of any house shop or warehouse abutting upon the place where such rail is so 15
proposed to be laid by notice in writing under his hand addressed to the Promoters express his objection thereto.

Extending to
this Order
certain
sections of the
Acts of 1882
and 1889.

8. Save as by this Order otherwise expressly provided the provisions of sections 23 25 28 to 40 inclusive and 71 72 and 74 to 76 inclusive of the Act of 1882 and section 15 of the Act of 1889 shall so far as applicable extend and 20
apply to the tramways by this Order authorised and all other now existing tramways of the promoters in the parish of Hammersmith in like manner in every respect as if the tramways by this Order authorised were part of the tramways in the said Acts referred to and for the purposes of such application the expressions "the tramways" "the company" "the Metropolitan Board of 25
Works" "the local authority" "the road authority" and "this Act" in the said provisions shall be construed to mean respectively the tramways as defined by this Order and all other now existing tramways of the promoters in the parish of Hammersmith the Promoters of this Order the London County Council the local authority and the road authority respectively as defined by this Order 30
and this Order.

Passing places
&c. in Ham-
mersmith.

9. The vestry of the parish of Hammersmith as successors of the Board of Works for the Fulham district and the London County Council under their respective common seals may notwithstanding anything to the contrary contained in section 41 of the Act of 1882 give their approval under section 35
36 of that Act to the construction and use of any passing places crossings turn-outs sidings or junctions within the said parish and to the use of any road within the said parish as a terminal or stopping station but no such approval shall be valid unless both the council and the vestry concur.

Alteration of
tramways to
admit of
erections in
street.

10. If and whenever the London County Council or any road authority 40
having power to place in any street within the county of London any rest shelter urinal or convenience consider it necessary that the tramways or any part thereof should be altered in order to permit such erection to be more conveniently made the Promoters shall after one month's previous notice in writing from the said council or such other authority requiring them so to do make such alterations in 45
the position of the tramways as the said council or such other authority may require provided that if the Promoters contend that the alteration required cannot be effected without unduly interfering with the use of the tramways they may appeal to the Board of Trade who may by order either confirm the requirement of the said council or such other authority with or without modification or refuse

to confirm the same and in the event of the Board of Trade confirming the requirement either with or without modification the Promoters shall forthwith comply with the order of the Board of Trade in that behalf. Provided that if the Promoters fail to make any alteration which they may be required to make under this section (within such reasonable time as the said council or authority may require) or fail to comply with any order of the Board of Trade under this section (within such date as may be therein specified) they shall be liable to a penalty not exceeding ten pounds for every day during which the default shall continue after conviction thereof and such penalty may be recovered in manner provided by section 56 of the Tramways Act 1870.

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*London
United.*

11. Where the London County Council with the consent of the road authority or under the powers of any special Act desire to alter the pavement or material of the whole or any part of any street or road in the parish of Hammersmith in which the tramways are laid they may by notice in writing to the Promoters require the Promoters at their own expense to forthwith alter the materials of the part of such street or road in which such tramways are laid both between and on either side of the rails so far as such street or road is repairable by the Promoters and to make any alterations in the tramway which are consequently necessary and thereupon the Promoters shall proceed with all reasonable despatch to make such alterations accordingly to the satisfaction of the said council and of the road authority without any claim for compensation in respect of such alteration for any loss of traffic or otherwise consequent thereon and any obligations of the Promoters with regard to the maintenance and repair or otherwise in relation to the tramway or any part of the street or road shall remain and continue unaffected by such alteration.

Alteration of
material of
street or road.

12. Nothing in this Order contained shall extend or be construed to extend to alter abridge or take away any of the rights powers and privileges of the London County Council as to stopping for public traffic any road or street.

Saving of
rights of Lon-
don County
Council to
stop up streets.

13. Section 23 of the Act of 1889 is hereby amended and shall be read and have effect as follows :—

Limit of time
for purchase
by London
County
Council.

The powers of the London County Council under section 43 of the Tramways Act 1870 for purchasing the Promoters authorised tramways and the tramways and undertaking by this Order authorised so far as they are situate within the county of London shall notwithstanding anything contained in any Act or Order relating to such tramways be exercisable at the expiration of the period of fourteen years from the date of the passing of the Act confirming this Order or within six months thereafter and within six months after the expiration of every subsequent period of seven years instead of at any other period fixed by the Acts or Orders and section 43 of the Tramways Act 1870 as incorporated with the several Acts and Orders relating to such tramways and undertaking shall be read and have effect accordingly.

Provided always that in case the Promoters shall not within two years from the date of passing of the Act confirming this Order construct the tramways by this Order authorised other than Tramway No. 3 and also so much of Tramway No. 22 authorised by the Act of 1889 as is situate in the county of London to the satisfaction of the London County Council having due regard to the provisions contained in the Acts of 1889 and 1893 as to

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*London
United.*For protection
of the county
council of
Middlesex and
the Acton
Urban District
Council.

the mode of construction of Tramway No. 22 the council shall be at liberty to purchase the promoters' authorised tramways and the tramways and undertaking by this Order authorised within the said county at the time and in manner provided by the said section 23 of the Act of 1889 for the purchase of the company's then authorised tramways. 5

14. Section 18 of the Act of 1889 and sections 3 and 6 of the Act of 1893 are hereby repealed and for the protection of the county council of Middlesex and of the urban district council of Acton in the county of Middlesex (both of whom are in this section unless the context otherwise requires included in the expression "the councils") the following provisions shall have effect and shall be observed 10 and performed by the Promoters in relation to Tramway No. 22 authorised by the Act of 1889 as amended by the Act of 1891 and to Tramway No. 7 authorised by this Order so far as such tramways will be situate in the parish of Acton (in this section called "the said tramways") that is to say :—

(A.) Plans sections and specifications of the said tramways shall be submitted 15 to and approved by the respective surveyors for the time being of the councils before any of the works are commenced and Tramway No. 22 shall be completed within six months from the date of the passing of the Act confirming this Order and Tramway No. 7 shall be commenced within six months and completed within twelve months from the date of the passing of 20 the Act confirming this Order subject to such extensions of time (if any) as the councils may agree to.

(B.) The portion of the roads upon which the said tramways are to be laid shall for the width between the rails and for the space between the two sets of rails be paved by the Promoters with hard wood to be approved by the 25 councils Provided that such approval shall be given within fourteen days after the Promoters have notified to the councils the particular kind of wood intended to be used and submitted samples thereof and that failing such approval the matter shall be referred to the Board of Trade whose decision shall be final. 30

(C.) The Promoters shall pave the roadway for eighteen inches outside the outer rails of the said tramways whether single or double with granite but in case the councils shall hereafter decide to lay with wood the whole or any length of that part of the roadway from the Askew Arms to the termination of Tramway No. 7 opposite Brentford Lane not as aforesaid required to be 35 laid with wood by the Promoters the Promoters shall from time to time as and when the councils carry out their work of wood paving and for the like distance substitute wood (similar to that to be used by the councils) for the said eighteen inches of granite paving And if the Promoters fail to perform their obligations under this sub-section they shall for every such 40 default be liable to a penalty not exceeding five pounds for every day during which such default shall continue And in addition to any other provisions of this Order the Promoters shall maintain and keep the said tramways including the wood pavement between the rails and between the two sets of rails and (if wood be substituted for granite paving in manner 45 aforesaid) for eighteen inches outside the outer rails in good condition and repair to the satisfaction of the councils and if the Promoters at any time fail to maintain and keep the same in good repair and condition to such satisfaction as aforesaid they shall for every such default be subject to a penalty not exceeding five pounds for every day on which such default 50

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*London
United.*

continues and further the councils may if they think fit at any time after three days notice to the Promoters open and break up the road and do the works necessary for the proper repair of the said tramways and the expense incurred in so doing shall be repaid to them by the Promoters and such

5 penalty and any expense incurred as aforesaid may be recovered in manner provided by section 56 of the Tramways Act 1870.

(D.) The levels at which the said tramways are to be constructed shall be determined by the councils and any expense in the construction of the said tramways over and above that which would have been incurred by the

10 Promoters in following the levels shown on the deposited plans and rendered necessary by such decision shall be borne by the Promoters.

(E.) Any granite setts paving metalling or material of the road authority laid down by the Acton District Council or their predecessors the Acton Local Board and excavated or displaced by the Promoters in the construction of

15 the tramways from any road under the jurisdiction or control of the road authority shall forthwith be delivered by the Promoters to the surveyor for the time being of the Acton District Council or to such other person as he may appoint to receive the same or at such dépôt road street or place within the district of the council not being more than two hundred and fifty

20 yards from the said tramways as such surveyor may direct And if within seven days after the said surveyor shall have given notice in writing to the Promoters of such dépôt road street or place any such paving metalling or material be not delivered to the surveyor or other person or at such dépôt road street or place as aforesaid the Promoters shall forfeit and pay to the

25 Acton District Council a sum not exceeding forty shillings for every day during which the said paving metalling or material is not so delivered and such penalty shall be recoverable and payable to the Acton District Council and shall be a penalty within the meaning of section 56 of the Tramways Act 1870 Any difference between the Promoters and the councils or their

30 surveyors or other person with reference to the matters aforesaid shall be determined in manner provided by section 33 of the Tramways Act 1870 with respect to differences between the Promoters and any road authority.

(F.) As security to the councils for the due completion to their satisfaction of the said tramways and for the repair maintenance and restoration of roads

35 rails and substructure as provided by the Tramways Act 1870 and by the Act of 1889 and this Order the Promoters shall within one month after the passing of the Act confirming this Order deposit with the treasurer of the Acton District Council the sum of £250 and the said sum shall be held by the said treasurer during the continuance of and until the removal of the

40 said tramways and in the event of any expense being incurred as aforesaid by the councils or either of them in the repair maintenance or restoration of the roads rails or substructure such expenses shall be paid out of the moneys so deposited until the amount of such expenses shall have been recovered from the Promoters in manner aforesaid and upon the recovery of

45 the same from the Promoters the Acton District Council shall hold the same upon the same terms and for the same purposes as they held the moneys applied in payment of the said expenses as aforesaid and as if such amount so recovered had formed part of the original deposit provided that during the continuance of the deposit the Acton District Council shall pay to

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*London
United.*

the Promoters on the 1st day of September in each year (the first payment to be made on the 1st day of September 1896) interest on the deposit or such part thereof as shall from time to time remain in the hands of the said treasurer after deduction of all outgoings in respect of expenses as aforesaid or any penalties recoverable by the Acton District Council under this Order at such rate as that council may receive for the same. 5

(c.) The Promoters shall on every ordinary working day provide and run two carriages from Acton Hill to Uxbridge Road Station at such times between the hours of five and eight in the morning as the Promoters think most convenient for artisans mechanics and daily labourers And the fare by such carriages shall not exceed one penny provided that in case of any complaint by the Acton District Council or others made to the Board of Trade of the times appointed by the Promoters for the running of such carriages the said Board shall have power to fix and regulate the same from time to time. 15

(h.) The councils and the promoters may with the sanction of the Board of Trade together enter into and carry into effect agreements for the variation of any of the provisions of this section.

For protection
of the Vestry
of Hammer-
smith.

15. For the protection of the Vestry of Hammersmith the following provisions shall have effect and shall be observed and performed by the promoters in relation to Tramways Nos. 1 2 3 4 5 and 6 authorised by this Order (in this section hereinafter referred to as "the said tramways") that is to say:— 20

(A.) Plans sections and specifications of the said tramways shall be submitted to and approved by the vestry before any of the works are commenced.

The portions of King Street upon which the Tramways Nos. 1 2 3 4 and 5 are to laid shall for the width between the rails and for the space between the two sets of rails be paved by the promoters with wood approved by the vestry. 25

In addition to any other provisions of this Act the promoters shall maintain and keep the Tramways Nos. 1 2 3 4 and 5 including the wood pavement between the rails and between the two sets of rails and for eighteen inches outside the outer rails in good condition and repair to the satisfaction of the vestry and if the promoters at any time fail to maintain and keep the same in good condition and repair to such satisfaction as aforesaid they shall for every such default be subject to a penalty not exceeding five pounds for every day on which such default continues and further the vestry may if they think fit at any time after three days notice to the promoters open and break up the road and do the works necessary for the proper repair of the said tramways and the expense incurred in so doing shall be repaid to them by the promoters and such penalty and any expense incurred as aforesaid may be recovered in manner provided by section 56 of the Tramways Act 1870. 35 40

The portion of the roadway upon which Tramway No. 6 is to be laid (The Grove between King Street and Beadon Road) for the whole of the length and for the whole of the width between kerb and kerb shall be paved by the promoters with wood paving approved by the vestry laid upon six inches of cement concrete and properly grouted and shall be maintained and repaired by the promoters during the continuance of the tramway to the satisfaction of the vestry. 45

The levels at which the said tramways are to be constructed shall be decided by the vestry and any expense in the construction of the said tramways over and

above that which would have been incurred by the promoters in following the levels shown in the deposited plans and rendered necessary by such decision shall be borne by the promoters.

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*London
United.*

- All paving metalling or material now the property of the Vestry of
 5 Hammersmith taken up or excavated in the construction of the said tramways shall remain the property of the vestry and the promoters shall at their own costs and charges remove and cart away such paving metalling or material to such place as the vestry or their surveyor may require not being more than half a mile from the said tramways and if at any time the promoters fail to comply
 10 with this provision they shall be subject to a penalty of not exceeding five pounds and to a further penalty of five pounds per day for every day on which the promoters shall proceed with the said works of construction laying down maintenance and renewal of the said tramways without complying with the aforesaid provisions such penalties to be recovered in manner provided by section
 15 56 of the Tramways Act 1870.

- In the event of any expense being incurred as aforesaid by the vestry in the repair maintenance or restoration of the road rails or substructure they shall be at liberty to provide for and pay such expense out of the money or securities deposited with their treasurer until the amount of such expenses shall have been
 20 recovered from the promoters in manner aforesaid and for this purpose to sell and convert if they think fit such securities or any part thereof and upon the recovery of such amounts from the promoters the vestry shall hold the same upon the same terms and for the same purposes as they held the moneys or securities applied in payment of the said expenses as aforesaid and as if such amount so
 25 recovered had formed part of the original deposit.

- Provided always that if in the opinion of the Vestry of Hammersmith the Tramways Nos. 1 2 3 4 5 and 6 or any one or more of them shall hereafter be or become a danger or serious obstruction to the ordinary traffic it shall be lawful for the vestry to give written notice to the promoters at any time after the
 30 expiration of two years from the twentieth day of February one thousand eight hundred and ninety five to take up and remove such one or more of the Tramways Nos. 1 2 3 4 and 5 and to restore the tramway in King Street as a single line or to take up and remove the Tramway No. 6 (as the case may be) and if the promoters shall not comply with such notice within one calendar
 35 month it shall be lawful for the vestry to take up and remove such one or more of the Tramways Nos. 1 2 3 4 and 5 and to restore the tramway in King Street as a single line and to take up and remove the Tramway No. 6 (as the case may be.)

- Provided always that in the event of the promoters challenging the opinion of the vestry it shall be competent to the promoters to claim that the question be
 40 treated as a matter in difference and referred to the arbitration of the President for the time being of the Institute of Civil Engineers or to a person appointed by him.

- The carriages upon the tramway shall not be allowed to stand in any part of King Street for a longer period than is necessary to take up and set down
 45 passengers.

(B.) Whereas by an agreement between the West Metropolitan Tramways Company and the Board of Works for the Fulham District dated the 21st day of March 1883 (the duplicate whereof is dated the 1st day of May 1883 and is so referred to in the order of 1887) it was (inter alia) agreed as follows :

[324.]

D 2

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*London
United.*

Clause 5. That the Company will for ever hereafter during the continuance of the tramways pay to the district board the clear sum of fifty pounds per annum free from any deduction on the 25th day of March in each and every year the first payment to be made on the 25th March 1883.

Clause 7. That the district board will for ever after the completion of the works (except during such times as the annual sum of fifty pounds hereinbefore agreed to be paid by the Company to the district board or any part thereof shall be in arrear and unpaid and until recovery thereof) maintain and repair the whole of the roadway outside the rails including the space of eighteen inches to be paved by the Company and will keep the Company and its property indemnified against all liability to maintain or repair such part of the roadway and against all liability in respect of the non-repair thereof or of any accidents which may occur by reason of any want of repair thereof and against all damages claims and demands in respect of any such matters.

And whereas it has been agreed between the promoters and the Vestry of Hammersmith (who are the successors of the Board of Works for the Fulham District so far as relates to the parish of Hammersmith) that the said clauses 5 and 7 shall be cancelled.

It is hereby provided that clauses 5 and 7 of the said agreement shall be and they are hereby cancelled.

Motive Power.

Repeal of the
Order of 1887.

16. The Order of 1887 is hereby repealed.

Carriages may
be moved by
animal elec-
tric or any
mechanical
power other
than steam
power.

17. The carriages used upon the Promoters authorised tramways and upon the tramways by this Order authorised (all of which tramways are in the provisions of this Order with respect to motive power included in and referred to under the description of "the said tramways") may subject to the provisions of this Order be moved by animal power and with the consent in writing of the Board of Trade during a period not exceeding seven years from the time specified in such consent and with the like consent during such further periods not exceeding seven years respectively as the said Board may from time to time specify in any order to be signed by a Secretary or an Assistant Secretary of the said Board by means of electrical or any mechanical power other than steam power.

Provided always that no electrical or mechanical power shall be used on any of the said tramways within the district of any local or road authority except with the consent in writing of such local and road authorities and such local and road authorities respectively are hereby empowered to give such consents for such period or periods and upon such terms and conditions as they may respectively from time to time think fit and provided that if the carriages shall be moved by means of electric traction the Board of Trade shall upon the application of the London County Council or the Vestry of the parish of Hammersmith at any time after the expiration of three years from the opening of the electric tramways for public traffic direct an inquiry to be made and if as the result of such inquiry the said Board shall be of opinion that such system as worked on the electric tramways is dangerous to the public the said council may prohibit the use of such system within the administrative county of London.

Provided further that the exercise of the powers hereby conferred with respect to the use of any power other than animal power shall be exercised only

in accordance with the regulations set forth in the schedule to this Act and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for

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*London
United.*

5 securing to the public all reasonable protection against danger in the exercise of the powers by this Order conferred with respect to the use of any power other than animal power on the said tramways.

18. If the Promoters or any other company or person shall use electrical or other mechanical power on the said tramways contrary to the provisions of this
10 Order or to any of the regulations set forth in the schedule to this Act or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Order they or he shall for every such offence be subject to a penalty not exceeding ten pounds and also in case of a continuing offence to a further penalty not exceeding five pounds for every day
15 after the first during which such offence continues after conviction thereof Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Promoters or any other company or person using electrical or other mechanical power on the said tramways under the authority of this Order have or has made default in complying with the
20 provisions of this Order or with any of the regulations set forth in the schedule to this Act or with any regulation which may have been added thereto or substituted therefor as aforesaid may by order direct the Promoters or such other company or person to cease to exercise the powers aforesaid and thereupon the Promoters or such other company or person shall cease to exercise the
25 powers aforesaid and shall not again exercise the same or any of the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Penalty for
using electrical
or other
mechanical
power contrary
to Order or
regulations.

19. Subject to the provisions of this Order the Board of Trade may from time to time in the event of electrical or other mechanical power being used under
30 the authority of this Order upon the said tramways make and when made may rescind annul or add to byelaws with regard to such tramways for all or any of the following purposes that is to say:—

Byelaws.

For regulating the use of the bell whistle or other warning apparatus fitted to the carriage :

35 For providing that carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety :

40 For regulating the entrance to exit from and accommodation in the carriages used on such tramways and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages :

For providing for the due publicity of all regulations and byelaws in force for the time being in relation to such tramways by exhibition of the same in conspicuous places on the carriages and elsewhere.

45 Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Order shall be liable to a penalty not exceeding forty shillings.

20. The provisions of the Tramways Act 1870 with respect to the recovery of penalties shall apply to any penalty under this Order and to any penalty for

As to recovery
of penalties.

A.D. 1895. non-observance of any byelaw made by the Board of Trade under the authority of this Order.

*London
United.*

Amendment
of the Tram-
ways Act
1870 as to
byelaws by
local authority.

21. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the local authority to make 5 any byelaws sanctioning a higher rate of speed than that authorised by this Order or by any regulation made by the Board of Trade under the authority of this Order at which carriages are to be driven or propelled on the said tramways under the authority of this Order but the local authority may if they think fit make byelaws under the provisions of the said Act for restricting the rate of 10 speed to a lower rate than that so prescribed.

Orders and
byelaws.

22. All orders and byelaws made by the Board of Trade under the authority of this Order shall be signed by a Secretary or an Assistant Secretary of the Board of Trade.

As to con-
tracts with
road authori-
ties where
electrical or
other me-
chanical power
is to be used.

23. Where the Promoters or any other company or person intend or intends 15 to use electrical or other mechanical power under the authority of this Order on the said tramways or any part thereof they or he shall give two months previous notice in writing of such intention to every road authority within whose district the said tramways or such part thereof upon which they or he intend or intends 20 to use such power are or is situate.

Where at the time of giving any such notice any contract agreement or arrangement between the Promoters or such other company or person and such road authority is in force with respect to the user by the Promoters or such other company or person or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority 25 upon which the said tramways or such part of the said tramways are or is laid or with respect to the payment by the Promoters or such other company or person to such road authority of any annual or other sum in relation to such user paving and keeping in repair of such road then and in every such case with the consent of the Board of Trade it shall be lawful for the Promoters or such other 30 company or person by such notice or for such road authority by notice to be served upon the Promoters or such other company or person not later than forty days after the receipt by such road authority of such first-mentioned notice to determine such contract agreement or arrangement and thereupon such contract agreement or arrangement shall from and after the commencement of the use of 35 electrical or other mechanical power upon the said tramways or such part thereof be determined and of no effect.

Before using electrical or other mechanical power on the said tramways or any part thereof and thereafter from time to time the Promoters or such other company or person and every such road authority may enter into or renew with 40 or without modification any contract agreement or arrangement with respect to the user by the Promoters or such other company or person or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which the said tramways or such part thereof are or is laid or with respect to the payment by the Promoters or such 45 other company or person to such road authority of any annual or other sum in relation to such user paving or keeping in repair of such road which they may think fit and the Board of Trade may approve.

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United.*

In case any difference arises between any such road authority and the Promoters or such other company or person as to the determination of any such contract agreement or arrangement or in case any such road authority after request in writing by the Promoters or such other company or person or the Promoters
 5 or such other company or person after request in writing by any such road authority during a period of one month after such request refuse or fail to enter into any such contract agreement or arrangement or to renew the same with or without modification or to make a new contract instead thereof or in case of any difference as to the terms of any such contract agreement or arrangement or any
 10 renewal thereof with or without modification or any new contract instead thereof then and in every such case the difference with respect to such determination or the reasonableness of such refusal or failure or the terms of such contract agreement or arrangement or any renewal thereof with or without modification or any new contract instead thereof shall from time to time on the appeal of either of
 15 the parties to the Board of Trade be determined in manner provided by the Tramways Act 1870 with respect to differences between the Promoters and any road authority and thereupon the parties shall in all respects conform to such determination and make and observe any contract agreement or arrangement thereby prescribed. Provided always that while any such appeal is pending
 20 the Board of Trade may order that no electrical or other mechanical power shall be used on the said tramways to which such appeal relates.

No electrical or other mechanical power shall be used on the said tramways or any part of the said tramways unless there is in force in relation to the said tramways or such part of the said tramways a contract agreement or arrangement
 25 in accordance with the provisions of this section.

Any moneys which may from time to time be received by such road authority under any contract agreement or arrangement in accordance with the provisions of this section shall be applied by them towards the expenses of repairing improving and maintaining the highways within their district having
 30 regard in the first instance to the requirements of the roads upon which the said tramways or any part of the said tramways within such district are or is laid.

24. Where electrical or other mechanical power is used by the Promoters or any other company or person on the said tramways or any part thereof no contract agreement or arrangement made before or after the commencement of the use of
 35 electrical or other mechanical power as aforesaid between the Promoters or such other company or person and any road authority with respect to the user by the Promoters or such other company or person or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which the said tramways or such part thereof are or
 40 is laid or with respect to the payment by the Promoters or such other company or person to such road authority of any annual or other sum in relation to such user paving and keeping in repair of such road shall continue in force for any period exceeding two years at any one time after the commencement of the use of electrical or other mechanical power as aforesaid or the making of such contract
 45 agreement or arrangement. Provided always that any such contract agreement or arrangement may from time to time be renewed with or without modification or a new contract agreement or arrangement may be made instead thereof.

Where electrical or other mechanical power is used contract with road authority not to be for longer than two years at a time.

25. Section 7 of the Act of 1891 is hereby repealed and in lieu thereof the following provisions shall have effect in the event of the said tramways or any

Restrictions on use of electrical power.

A.D. 1895. part thereof being worked by electricity unless such power is entirely contained
in and carried along with the carriages:—

*London
United.*

- (1.) The Promoters shall employ either insulated returns or uninsulated metallic returns of low resistance :
- (2.) The Promoters shall take all reasonable precautions in constructing 5 placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances :
- (3.) The powers by this Order conferred with respect to the use of electrical 10 power shall be exercised only in accordance with the prescribed regulations and with any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are empowered to make from time to time as or when they 15 may think fit for regulating the employment of insulated returns or of uninsulated metallic returns of low resistance for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not 20 use the earth as a return :
- (4.) If the Promoters use electrical power contrary to the provisions of this Order or to any of the prescribed regulations or to any regulations added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Order they shall for every such offence be 25 subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence continues after conviction thereof Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Promoters in the use of electrical power 30 under the authority of this Order have made default in complying with the provisions of this Order or with any of the prescribed regulations or with any regulation which may have been added thereto or substituted therefor as aforesaid may by order direct the Promoters to cease to use electrical power and thereupon the Promoters shall cease to use electrical power and 35 shall not again use the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order :
- (5.) The Promoters shall take all reasonable and proper precautions in constructing placing and maintaining their electric lines circuits and other 40 works of any description and in using their electric lines circuits and other works so as not injuriously to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus Provided always that the 45 Promoters shall be deemed to take all such reasonable and proper precautions as aforesaid if and so long as they adopt and employ at the option of the Promoters either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other 50

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*London
United.*

parties and the currents therein as the Board of Trade shall direct and in giving such directions the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking. Provided also that at the expiration of two years from the passing of this Order nothing in this sub-section shall operate to give any right of action in respect of or to protect any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents. If any difference arises between the Promoters and any other party with respect to anything in this sub-section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be.

(6.) Nothing in this section shall apply to the use of any electric line circuit or work of any company corporation or person authorised by Act of Parliament or Provisional Order confirmed by Parliament to supply energy for electric lighting purposes so far as such use is limited to such purposes: (7.) The expression "the Promoters" in this section shall include their lessees and the licensees and any person owning working or running carriages by electrical power over the said tramways.

25 26. Subject to the provisions of this Order the Promoters may place and maintain in or over any street or road in which the said tramways are or may be laid such posts brackets and overhead wires as may be necessary and proper for working such tramways by electrical or other mechanical power but this provision shall not apply to tramways in the county of London.

Power to place posts wires &c.

30 27. If the Promoters shall discontinue the use of any posts brackets or overhead wires placed or maintained in or over any street or road for supplying electrical motive power to the carriages used upon the said tramways or if the right of the Promoters to use electrical motive power supplied by means of any such posts brackets or wires shall cease and determine the Promoters shall forthwith at their own cost remove such posts brackets and wires and shall restore and make good such streets and roads to the satisfaction of the road authority and in case of default the road authority may do all things necessary for that purpose and recover the costs and expenses thereof with full costs of suit from the Promoters.

Posts &c. to be removed if user discontinued.

40 28. The Promoters may and as regards the parish of Hammersmith with the previous consent of and under the supervision of the road authority from time to time lay and maintain pipes and make openings or ways in or under the surface of any road footpath or place in order to lay use and maintain electric wires for transmitting motive power for the carriages running on the said tramways and the Promoters may use electric wires and all machinery necessary for such motive power. Provided that this power shall not authorise or empower the Promoters to lay down or place any pipe or other works into through or against any building or in any land not dedicated to public use without the consent of the owners and occupiers thereof.

Power to lay and maintain pipes and make openings in streets.

A.D. 1895.

*London
United.*

Provided also that this power shall not be exercised in the county of London except subject to and in accordance with the following conditions :—

(a.) One month before commencing the execution of such works (not being the repairs renewals or amendments of existing works of which the character and position are not altered) the Promoters shall serve a notice upon the London County Council describing the proposed works together with a plan of the works showing the mode and position in which such works are intended to be executed and the manner in which it is intended that any street or public place or any sewer drain or tunnel therein or thereunder is to be interfered with and shall upon being required to do so by the London County Council give them any such further information in relation thereto as they may desire. 5 10

In calculating the above-mentioned period of one month no part of the month of August shall be included.

(b.) The London County Council may in their discretion approve of any such works or plan subject to such amendments or conditions as may seem fit or may disapprove the same and may give notice of such approval or disapproval to the Promoters. 15

(c.) Where the London County Council approve any such works or plan subject to any amendments or conditions with which the Promoters are dissatisfied or disapprove of any such works or plan the Promoters may appeal to the Board of Trade and the Board of Trade may inquire into the matter and allow or disallow such appeal and approve any such works or plan subject to such amendments or conditions as may seem fit or may disapprove the same. 20 25

(d.) If the London County Council fail to give any such notice of approval or disapproval to the Promoters within one month after the service of the notice upon them they shall be deemed to have approved such works and plan.

(e.) Notwithstanding anything in this Order or the Tramways Act 1870 the Promoters shall not be entitled to execute any such works as above specified except so far as the same may be of a description and in accordance with a plan which has been approved or is to be deemed to have been approved by the London County Council or by the Board of Trade as above mentioned but where any such works description and plan are so approved or to be deemed to be approved the Promoters may cause such works to be executed in accordance with such description and plan subject in all respects to the provisions of this Order and of the Tramways Act 1870. 30 35

(f.) If the Promoters make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the Tramways Act 1870) make full compensation to the London County Council for any loss or damage which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds Provided that the Promoters shall not be subject to any such penalties as aforesaid if the court having cognizance of 40 45

the case shall be of opinion that the case was one of emergency and that the Promoters complied with the requirements of this section so far as was reasonable under the circumstances.

A.D. 1895.

London
United.

Miscellaneous.

- 5 29. The Promoters may for the purpose of constructing the tramways authorised by this Order or any of them take up and remove so much of the tramways now existing in King Street as may be required. On the granting by the Board of Trade of its certificate under the Tramways Act 1870 that any of the tramways by this Order authorised to be constructed in substitution for any portion
10 of the existing tramways is or are fit for public traffic all rights powers authorities obligations and liabilities in relation to any portion of the existing tramways for which any such new tramway shall be substituted shall as from the date of such certificate cease and determine so far as regards such portion of the existing tramways and the tramways by this Order authorised to be constructed in substitution for such existing tramways respectively shall for all
15 purposes and notwithstanding anything in the Act of 1882 contained be deemed to be tramways authorised by this Order. Provided always that so far as the same are at the date of such certificate subsisting or in force the provisions of the Act of 1882 with regard to the tolls and charges to be demanded and taken
20 shall nevertheless continue in force and apply to the tramways to be constructed under the authority of this Order by way of substitution as aforesaid and the traffic thereon and to any other tramways or portions of tramways of the Promoters to which the same are applicable and the traffic thereon in the same manner as such provisions would have applied to the existing tramways and
25 any such other tramways as aforesaid and the traffic thereon if the substituted tramways had not been constructed.

Removal of
certain existing
tramways.

- 30 30. Section 19 of the Order of 1876 section 31 of the Order of 1881 and section 73 of the Act of 1882 are hereby repealed and the following provisions shall apply and have effect in lieu thereof:—Where under the provisions of the Tramways Act 1870 and this Order or any of the Acts and Orders relating to the Promoters authorised tramways any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Arbitration Act 1889 shall except where otherwise specially provided apply
35 to every such arbitration and the decision of the arbitrator shall be final and conclusive and binding on all parties and the costs of and incidental to the arbitration and award shall if either party so require be taxed and settled as between the parties by any one of the taxing masters of the High Court and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices
40 of such masters and all those enactments including the enactments relating to the taking of fees by means of stamps shall extend to the fees in respect of the said taxation.

Provisions as
to arbitration.

- 45 31. It shall not be lawful without the consent of the local authorities of the respective districts in which any portion of the Promoters tramways may for the time being be situate and as regards the parish of Hammersmith without the consent of the road authority for the Promoters or any company or person working or using the tramways of the Promoters to take or demand on Sunday

As to fares on
Sundays and
holidays.

A.D. 1895.

*London
United.*For protection
of the Post-
master-
General.

or any bank or other public holiday any higher tolls or charges than those levied by them on ordinary week days.

32. Section 6 of the Act of 1891 is hereby repealed and in lieu thereof in the event of any tramways of the Promoters being worked by electricity the following provisions shall have effect :—

- (1.) The Promoters shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. If any question arises as to whether the Promoters have constructed their electric lines or other works or work their undertaking in contravention of this sub-section such question shall be determined by arbitration and the Promoters shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator. 5
- (2.) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Promoters of their electric lines and works or by the working of the undertaking of the Promoters the Promoters shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection. 10
- (3.) (a.) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Promoters or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Promoters and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work. 15
- (b.) Any difference which arises between the Postmaster-General and the Promoters or their agents with respect to any requirements so made shall be determined by arbitration. 20
- (4.) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues. 25
- (5.) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the Court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency. 30

and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice.

A.D. 1895.

*London
United.*

- 5 (6.) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work.
- 10 (7.) For the purposes of this section and subject as therein provided sections 2 8 9 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Order as if the Promoters were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section
- 15 had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section 7 of the Telegraph Act 1878 in relation to the matters mentioned in that section.
- (8.) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882.
- 20 (9.) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 of the Regulation of Railways Act 1868 shall apply in like manner as if the Promoters or their agents were a
- 25 company within the meaning of that Act.
- (10.) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Promoters by indictment action or otherwise in relation to any of the matters aforesaid.

33. Nothing in this Order contained shall exempt the Promoters or any
- 30 person using the tramways or the tramways from the provisions of any general Act relating to tramways now in force or which may hereafter be passed during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of tolls and charges authorised by this Order.

Saving for
general Acts.

A.D. 1895.

*London
United.*Break power
of engines.As to fittings
of engines &c.As to
carriages.Inspection of
engines and
carriages.

As to speed.

SCHEDULE A.

Every engine used on the tramways shall be fitted with such mechanical appliances for preventing the motive power of such engine from operating and for bringing such engine and any carriage drawn or propelled by such engine to a stand as the Board of Trade may from time to time think sufficient.

5

Every engine used on the tramways shall have its number shown in some conspicuous part thereof and shall be fitted—

With an indicator by means of which the speed shall be shown;

With a suitable fender to push aside obstructions;

With a special bell whistle or other apparatus to be sounded as a warning when necessary; and

10

With a seat for the driver of such engine so placed in front of such engine as to command the fullest possible view of the road before him.

Every such engine shall be free from noise produced by blast or clatter of machinery and the machinery shall be concealed from view at all points above four inches from the level of the rails and all fire used on such engine shall be concealed from view.

15

Every carriage used on the tramways shall be so constructed as to provide for the safety of passengers and for their safe entrance to exit from and accommodation in such carriage and their protection from the machinery of any engine used for drawing or propelling such carriage.

20

The Board of Trade shall on the application of the local authority of any district in which any mechanical or electric power is used on the tramways and may on complaint made by any person from time to time inspect any engine or carriage used on the tramways and the machinery therein and may whenever they think fit prohibit the use on the tramways of any such engine or carriage which in their opinion may not be safe for use on the tramways.

25

The speed at which engines and carriages may be driven or propelled along the tramways shall not exceed the rate of eight miles an hour.

The speed at which engines and carriages may pass through movable facing points shall not exceed the rate of four miles an hour.

30

SOMERTON KEINTON-MANDEVILLE AND CASTLE CARY. A.D. 1895.

Order authorising the Somersetshire Tramways Company Limited to construct new or deviated tramways in the County of Somerset and to amend the Somerton Keinton-Mandeville and Castle Cary Tramways Order 1892.

*Somerton
Keinton-
Mandeville
and Castle
Cary.*

1. This Order may be cited as the Somerton Keinton-Mandeville and Castle Cary Tramways Order 1895. Short title.

2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the Promoters of the undertaking) and of the Tramways Act 1870 are hereby incorporated with this Order except where the same are inconsistent with or expressly varied by this Order. Incorporation
of Acts.

3. The several words terms and expressions to which by the Acts in whole or in part incorporated with this Order meanings are assigned have in this Order the same respective meanings. Interpretation.

Provided that in this Order—

The expression “the tramways” and “the undertaking” shall mean respectively the tramways and works and the undertaking of the Promoters by this Order authorised ; and

The expression “the Order of 1892” shall mean the Somerton Keinton-Mandeville and Castle Cary Tramways Order 1892 confirmed by the Tramways Orders (1892) Confirmation Act 1893 ;

The expression “the tramways of the Promoters” shall mean the tramways authorised by the Order of 1892 and by this Order.

4. The Somersetshire Tramways Company Limited shall be the Promoters for the purposes of this Order and are in this Order referred to as the “Promoters.” The Promoters.

5. The Order of 1892 shall from and after the passing of the Act confirming this Order be read and construed as though in section 4 of that Order the Promoters of this Order were named instead of the Promoters named in the said section and from and after the passing of the Act confirming this Order the undertaking authorised by the Order of 1892 together with all the rights powers and authorities conferred by that Order upon the Promoters thereof shall subject to the duties obligations and liabilities of such Promoters in relation thereto vest in and be exerciseable and enjoyable by the Promoters of this Order. Promoters of
this Order to
be substituted
for Promoters
of Order of
1892.

6. The Promoters may by agreement from time to time purchase and acquire for the purposes of the undertaking such lands as they may require and may from time to time sell or dispose of any such lands which may not be necessary for such purposes provided that they shall not at any time hold for such purposes more than ten acres of land in addition to any lands they have acquired or may acquire under or for the purposes of the Order of 1892. Lands by
agreement.

A.D. 1895.

*Somerton
Keinton-
Mandeville
and Castle
Cary.*Construction
of tramways.

7. The Promoters may construct and maintain subject to the provisions of this Order and in accordance with the plans and sections deposited for the purposes of this Order at the office of the Board of Trade the new or deviated tramways herein-after described with all proper rails points plates and sleepers connected therewith and may work and use the same. 5

The new or deviated tramways authorised by this Order shall be laid as single lines throughout and are:—

- (1.) Tramway No. 1 (to be called "the Lovington deviation") 5 furlongs 5.55 chains in length (being a deviation of part of the company's authorised line of tramway) wholly in the parish of Lovington in the county of Somerset commencing by a junction with Tramway No. 5 authorised by the Order of 1892 at a point marked and measured on the plans of that tramway deposited in November one thousand eight hundred and ninety-one with the clerk of the peace for the county of Somerset 2 miles 4 furlongs and 8 chains from the commencement thereof and terminating by a junction with the same Tramway No. 5 at a point marked and measured 3 miles 2 furlongs and 1.50 chains from such commencement on the said deposited plans. 10 15
- (2.) Tramway No. 2 (to be called "the Alford deviation") 7 furlongs 6.50 chains in length wholly in the parish of Alford in the county of Somerset (being a deviation of part of the company's authorised line of tramway) commencing by a junction with the before-mentioned Tramway No. 5 at a point marked and measured on the said deposited plans 3 miles 4 furlongs 7.50 chains from the commencement thereof and terminating by a junction with the said Tramway No. 5 at a point thereon 4 miles 3 furlongs 7 chains from such commencement as marked and measured on the said deposited plans. 20 25

Provided that with respect to that portion of Tramway No. 1 by this Order authorised which crosses on the level any public road the Promoters shall execute all such works as the Board of Trade may at any time require for securing safety. 30

Extending to
this Order
certain pro-
visions of the
Order of 1892.

8. The provisions contained in the following sections of the Order of 1892 shall as far as applicable extend and apply to the tramways by this Order authorised as if such tramways had formed part of the tramways authorised by the Order of 1892 (that is to say) sections 9 to 12 both inclusive and section 18 (relating respectively to the construction of the tramways) also sections 19 to 26 both inclusive (relating to motive power) sections 27 to 29 both inclusive (relating to traffic upon tramways) sections 30 to 35 both inclusive (relating to tolls) and the miscellaneous provisions of sections 36 to 42 both inclusive. Provided that in the application of the said sections the expressions "the tramways" "the undertaking" and "this Order" shall be construed to mean respectively the tramways and the undertaking by this Order authorised and this Order. 35 40

Abandonment
of parts of
authorised
tramways.

9. The Promoters shall abandon the construction of so much and such portions of Tramway No. 5 authorised by the Order of 1892 as lie between the points of commencement and termination of Tramways Nos. 1 and 2 authorised by this Order respectively. 45

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10. So much of the sum deposited with the High Court with respect to the Order of 1892 as would have been applicable to the portions of the said Tramway No. 5 abandoned as aforesaid shall be deemed to have been deposited for the purposes of the new or deviated tramways authorised by this Order.

*Somerton
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Mandeville
and Castle
Cary.*

Application of
deposit fund
to new or
deviated
tramways.

Extension of
time for com-
mencement
and completion
of certain
authorised
tramways.

5 11. The time limited by the Order of 1892 as subsequently extended by special direction of the Board of Trade for the commencement of the tramways authorised by that Order except as to the portions of Tramway No. 5 to be abandoned as aforesaid is hereby extended to the twenty-eighth day of March one thousand eight hundred and ninety-six and the time for the completion and
10 opening of the said tramways except as aforesaid is hereby extended to the twenty-eighth day of March one thousand eight hundred and ninety-eight which respective periods shall be deemed to be the times limited by that Order for the commencement construction completion and opening of the tramways for public traffic.

15 12. The new or deviated tramways by this Order authorised shall for the purposes of the traffic and of the tolls and charges to be demanded and taken thereon be deemed to form part of the undertaking of the Promoters authorised by the Order of 1892 and the Order of 1892 shall as far as applicable apply to the tramways by this Order authorised and to the traffic upon the same and to
20 the tolls and charges authorised to be demanded and taken in respect of such traffic in like manner in every respect as if the tramways authorised by this Order formed part of the tramways authorised by the Order of 1892.

New or deviated tramways to be deemed part of tramways authorised by Order of 1892.

13. The Promoters may with the sanction of the Board of Trade make and maintain such further deviation or deviations from the lines of any of the
25 tramways authorised by the Order of 1892 as they may by reason of the limited width of the road or for other reasons consider desirable and the Board of Trade may sanction any such deviation subject to such conditions as they may in each case think fit to impose provided that before sanctioning any such deviation the Board of Trade shall be satisfied that the Promoters have obtained or can obtain
30 the land required for the same and provided also that any such deviation sanctioned by the Board of Trade shall be deemed to be part of the tramway authorised by the Order of 1892 and be subject to the provisions of that Order as to mode of construction motive power traffic and tolls so far as such provisions are respectively applicable.

Provision as to further deviations.

35 14. It shall not be lawful for the Promoters or any company or person working or using the tramways of the Promoters to take or demand on Sunday or on any bank or other public holiday any higher tolls or charges than those levied by them on ordinary week days.

As to fares on Sundays or holidays.

15. The following provisions shall apply to the use by the Promoters of
40 electric power upon the tramways of the Promoters unless such power is entirely contained in and carried along with the carriages:—

Restrictions on use of electric power.

(1.) The Promoters shall employ either insulated returns or uninsulated metallic returns of low resistance.

45 (2.) The Promoters shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously

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to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances.

- (3.) The powers by the Order of 1892 or this Order conferred with respect to the use of electric power shall be exercised only in accordance with regulations to be prescribed by the Board of Trade (herein-after referred to as "the prescribed regulations") and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as or when they may think fit for regulating the employment of insulated returns or of uninsulated metallic returns of low resistance for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return.
- (4.) If the Promoters use electric power contrary to the provisions of this Order or of the Order of 1892 or to any of the prescribed regulations or to any regulations added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Order they shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence continues after conviction thereof. Provided always that whether any such penalty has been recovered or not the Board of Trade if in their opinion the Promoters in the use of electric power under the authority of the Order of 1892 or this Order have made default in complying with the provisions of the Order of 1892 or of this Order or with any of the prescribed regulations or with any regulations which may have been added thereto or substituted therefor as aforesaid may by order direct the Promoters to cease to use electric power and thereupon the Promoters shall cease to use electric power and shall not again use the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.
- (5) The Promoters shall take all reasonable and proper precautions in constructing placing and maintaining their electric lines circuits and other works of any description and in using their electric lines circuits and other works so as not injuriously to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus. Provided always that the Promoters shall be deemed to take all such reasonable and proper precautions as aforesaid if and so long as they adopt and employ at the option of the Promoters either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as the Board of Trade shall direct and in giving such directions the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking. Provided

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also that at the expiration of a period of two years from the passing of the Act confirming this Order nothing in this sub-section shall operate to give any right of action in respect of or to protect any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents If any difference arises between the Promoters and any other party with respect to anything in this sub-section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be.

(6.) Nothing in this section shall apply to the use of any electric line circuit or work of any company corporation or person authorised by Act of Parliament or Provisional Order confirmed by Parliament to supply energy for electric lighting purposes so far as such use is limited to such purposes.

(7.) The expression "the Promoters" in this section shall include their lessees and the licensees or any person owning or using any tramways of the Promoters.

16. In the event of any tramways of the Promoters being worked by electricity the following provisions shall have effect :—

For protection
of the Post-
master-General.

(1.) The Promoters shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein If any question arises as to whether the Promoters have constructed their electric lines or other works or work their undertaking in contravention of this sub-section such question shall be determined by arbitration and the Promoters shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator.

(2.) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Promoters of their electric lines and works or by the working of the undertaking of the Promoters the Promoters shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection.

(3.) (a.) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on

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Cary.

- each side of such point) the Promoters or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Promoters and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work. 5
- (b.) Any difference which arises between the Postmaster-General and the Promoters or their agents with respect to any requirements so made shall be determined by arbitration. 10
- (4.) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues. 15
- (5.) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice. 20
- (6.) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work. 25
- (7.) For the purposes of this section and subject as therein provided sections 2 8 9 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Order as if the Promoters were undertakers, within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section 7 of the Telegraph Act 1878 in relation to the matters mentioned in that section. 30
- (8.) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882. 35
- (9.) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act. 40 45

(10.) Nothing in this section contained shall be held to deprive the Postmaster General of any existing right to proceed against the Promoters by indictment action or otherwise in relation to any of the matters aforesaid.

(11.) Section 44 of the Order of 1892 is hereby repealed.

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Mandeville
and Castle
Cary.*

Saving for
general Acts.

- 5 17. Notwithstanding anything in this Order contained the Promoters and any person using the tramway shall be subject and liable to the provisions of any general Act now in force or which may hereafter be passed during this or any future session of Parliament relating to tramways or by which any tax or duty may be granted or imposed for or in respect of tramways or the passengers or
- 10 traffic conveyed thereon and to any future revision or alteration under the authority of Parliament of the maximum rates of tolls and charges authorised by this Order and to any condition regulation or restriction which may be imposed upon the use of tramways or upon the use on tramways of animal power or electrical power by any such general Act as aforesaid.

Tramways Provisional Orders (No. 1). [H.L.]

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act 1870 relating to City of Gloucester Tramways London United Tramways and Somerton Keinton-Mandeville and Castle Cary Tramways.

(Brought from the Lords 25 June 1895.)

*Ordered, by The House of Commons, to be Printed,
25 June 1895.*

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[Bill 324.]

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act 1870 relating to Hartlepools Tramways Hartlepool Electric Tramways Newcastle-upon-Tyne Corporation Tramways and Wigan and District Tramways. A.D. 1895.

WHEREAS under the authority of the Tramways Act 1870 the Board of Trade have made the several Provisional Orders set out in the schedule to this Act annexed :

And whereas a Provisional Order made by the Board of Trade
5 under the authority of the said Act is not of any validity or force whatever until the confirmation thereof by Act of Parliament :

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the authority of the said Act and set out in the schedule to this Act annexed be confirmed by
10 Act of Parliament :

Be it therefore enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

15 **1.** This Act may be cited as the Tramways Orders Confirmation (No. 2) Act 1895. Short title.

2. The several Orders as amended and set out in the schedule to this Act annexed shall be and the same are hereby confirmed and all the provisions thereof in manner and form as they are set
20 out in the said schedule shall from and after the passing of this Act have full force and validity and the dates of the same respectively shall be the date of the passing of this Act. Confirmation of Orders in schedule.

3. The Promoters mentioned in the said Orders shall not in the exercise of the powers of this Act or of the said Orders purchase
25 or acquire in any city borough or other urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December last were Protection of houses of labouring class.

[Bill 321.]

A

A.D. 1895. occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied. 5

For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than 10 domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

SCHEDULE.

LIST OF ORDERS.

15

HARTLEPOOLS TRAMWAYS.—Order amending the Hartlepool Tramways Order 1883 and the Hartlepoons Tramways Orders 1884 and 1888 and providing for the transfer of the undertaking.

HARTLEPOOL ELECTRIC TRAMWAYS.—Order authorising the Construction of Tramways in the Borough of West Hartlepool in the County of 20 Durham.

NEWCASTLE-UPON-TYNE CORPORATION TRAMWAYS.—Order authorising Haulage by Cables or Ropes on the Tramways authorised by the Newcastle-upon-Tyne Tramways and Improvement Act 1877 and the Newcastle-upon-Tyne Tramways Order 1879. 25

WIGAN AND DISTRICT TRAMWAYS.—Order authorising the Wigan and District Tramways Company to construct additional Tramways in the County Borough of Wigan and Districts adjoining thereto.

HARTLEPOOLS.

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Order amending the Hartlepool Tramways Order 1883 and the Hartlepoons Tramways Orders 1884 and 1888 and providing for the transfer of the Undertaking.

Hartlepoons.

Short title.

Continuance of powers of maintaining and working tramway.

Restrictions on use of electrical power.

- 5 1. This Order may be cited as the Hartlepoons Tramways Order 1895.
2. The powers conferred by the Hartlepool Tramways Order 1883 and the Hartlepoons Tramways Orders 1884 and 1888 upon the Promoters thereof respectively shall be deemed to have been and to be unaffected by the failure to keep open for public traffic the tramways thereby authorised and the powers
10 conferred by the said Orders for and incident to the maintaining and working of the said tramways and the levying of tolls rates and charges in respect thereof shall continue and may be exercised in respect of the said tramways in the same manner in all respects as if such failure to work the same by the Promoters of the said Orders had never occurred.
- 15 3. In the event of the Promoters using electrical power for the working of any of their tramways the following provisions shall apply to the use thereof unless such power is entirely contained in and carried along with the carriages :—
 - (1.) The Promoters shall employ either insulated returns or uninsulated
20 metallic returns of low resistance :
 - (2.) The Promoters shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other
25 metallic pipes structures or substances :
 - (3.) The powers by this Order conferred with respect to the use of electrical power shall be exercised only in accordance with regulations to be prescribed by the Board of Trade (herein-after referred to as " the prescribed regulations ") and with any regulations which may be added thereto or substituted therefor respectively by any order which the Board of
30 Trade may and which they are empowered to make from time to time as or when they may think fit for regulating the employment of insulated returns or of uninsulated metallic returns of low resistance for preventing fusion or injurious electrolytic action of or on gas
35 or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :

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Hartlepool.

- (4.) If the Promoters use electrical power contrary to the provisions of this Order or to any of the prescribed regulations or to any regulations added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Order they shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing 5 offence to a further penalty not exceeding five pounds for every day during which such offence continues after conviction thereof Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Promoters in the use of electrical power under the authority of this Order have made default in complying with the 10 provisions of this Order or with any of the prescribed regulations or with any regulations which may have been added thereto or substituted therefor as aforesaid may by order direct the Promoters to cease to use electrical power and thereupon the Promoters shall cease to use electrical power and shall not again use the same unless with the authority of the Board of 15 Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such Order :
- (5.) The Promoters shall take all reasonable and proper precautions in constructing placing and maintaining their electric lines circuits and other works of any description and in using their electric lines circuits and other works so 20 as not injuriously to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus Provided always that the Promoters shall be deemed to take all such reasonable and proper precautions as aforesaid 25 if and so long as they adopt and employ at the option of the Promoters either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as the Board of Trade shall direct and in giving such directions the 30 Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking Provided also that at the expiration of two years from the passing of the Act confirming this Order nothing in this subsection shall operate to give any right of action in respect of or to protect any electric wires lines or 35 apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents If any difference arises between 40 the Promoters and any other party with respect to anything in this subsection contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case 45 may be :

(6.) Nothing in this section shall apply to the use of any electric line circuit or work of any company corporation or person authorised by Act of Parliament or Provisional Order confirmed by Parliament to supply energy for electric lighting purposes so far as such use is limited to such purposes:

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Hartlepool.

(7.) The expression "the Promoters" in this section shall include their lessees and the licensees or any person owning working or running carriages by electrical power over the said tramways.

4. It shall not be lawful for the Promoters or any company or person working or using the tramways to take or demand on Sunday or any bank or other public holiday any higher tolls or charges than those levied by them on ordinary week days.

As to fares on
Sundays and
holidays.

5. Section 3 of the Hartlepool Tramways Order of 1888 is hereby repealed and in lieu thereof the following provisions shall in the event of any tramways of the Promoters being worked by electricity have effect:—

For protection
of the Post-
master-
General

(1.) The Promoters shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. If any question arises as to whether the Promoters have constructed their electric lines or other works or work their undertaking in contravention of this subsection such question shall be determined by arbitration and the Promoters shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator.

(2.) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Promoters of their electric lines and works or by the working of the undertaking of the Promoters the Promoters shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection.

(3.) (a.) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Promoters or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Promoters and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any

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Hartlepoons.

telegraphic line of the Postmaster-General from being injuriously affected by the said act or work.

(b.) Any difference which arises between the Postmaster-General and the Promoters or their agents with respect to any requirements so made shall be determined by arbitration. 5

(4.) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such 10 interruption continues.

(5.) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work 15 of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice.

(6.) For the purposes of this section a telegraphic line of the Postmaster- 20 General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work.

(7.) For the purposes of this section and subject as therein provided 25 sections two eight nine ten eleven and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with this Order as if the Promoters were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in 30 particular nothing in this section shall be deemed to exclude the provisions of section seven of the Telegraph Act 1878 in relation to the matters mentioned in that section.

(8.) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882. 35

(9.) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections thirty to thirty-two of the Regulation of Railways Act 1868 shall apply in like manner as 40 if the Promoters or their agents were a company within the meaning of that Act.

(10.) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Promoters by indictment action or otherwise in relation to any of the matters 45 aforesaid.

6. The Conveyance of Mails Act 1893 shall extend and apply to the Promoters authorised tramways as if those tramways had been authorised by an Act of Parliament passed after the 1st day of January 1893 Section 52A of the Hartlepool's Tramways Order 1884 is hereby repealed.

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Hartlepool.
Carrying of
mails by
Promoters.

- 5 7. Notwithstanding anything in this Order contained the Promoters shall be subject and liable to the provisions of any general Act now in force or which may hereafter be passed during this or any future session of Parliament relating to tramways or by which any tax or duty may be granted or imposed for or in respect of tramways or the passengers or traffic conveyed thereon and
- 10 to any future revision or alteration under the authority of Parliament of the maximum rates of tolls or charges authorised by the said Orders and to any condition regulation or restriction which may be imposed upon the use of tramways or upon the use on tramways of animal power steam power electrical power or any mechanical power by any such general Act as aforesaid.

Saving for
general Acts.

15

HARTLEPOOL ELECTRIC.

Hartlepool
Electric.

Order authorising the Construction of Tramways in the Borough of West Hartlepool in the County of Durham.

1. This Order may be cited as the Hartlepool Electric Tramways Order 1895.

Short title.

- 20 2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the Promoters of the undertaking) and of the Tramways Act 1870 are hereby incorporated with this Order except where the same are expressly varied by this Order.

Incorporation
of Acts.

- 25 3. The several words terms and expressions to which by the Acts in whole or in part incorporated with this Order meanings are assigned have in this Order the same respective meanings Provided that in this Order the expressions "the tramways" and "the undertaking" mean respectively the tramways and works and the undertaking by this Order authorised.

Interpretation.

30

Promoters.

4. Stephen Prescott White d'Alte Sellon of Queen Street Chambers Queen Street in the city of London and Francis Ashby of Instow in the county of Devon and the survivor of them and the executors and administrators of such survivor their or his assigns shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters."

The Promoters.

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—
*Hartlepool
Electric.*Lands by
agreement.

5. The Promoters may by agreement from time to time purchase take on lease and acquire for the purposes of the undertaking such lands as they may require and may from time to time sell or dispose of any such lands which may not be necessary for such purposes provided that they shall not at any time hold for such purposes more than five acres of land but nothing in this Order shall exonerate the undertakers from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon lands taken under the powers of this section. 5

*Construction of Tramways.*Construction of
tramways.

6. The Promoters may construct and maintain subject to the provisions of this Order and in accordance with the amended plans and sections deposited at the office of the Board of Trade for the purposes of this Order (in this Order referred to respectively as "the deposited plans" and "the deposited sections") the tramways herein-after described with all proper rails plates curves points offices weighbridges carriage-houses engine-sheds warehouses works and conveniences connected therewith or for the purposes thereof and may work and use the same. 10 15

The tramways authorised by this Order are—

Tramway No. 1 commencing in Stockton Street by a junction with the existing Tramway (No. 6) described in and authorised by the Hartlepool Tramways Order 1883 at the point of commencement thereof and proceeding thence in a southerly direction along Stockton Street and Stockton Road and terminating in that street at a point 9·50 chains or thereabouts measured in a southerly direction from opposite Oxford Street. 20 25

Tramway No. 1 shall be laid as a single line throughout except between the points herein-after specified where it shall be laid as a double line:—

- (a.) In Stockton Street from a point 0·50 chains or thereabouts measured in a southerly direction from opposite Park Road for a distance of 3 chains measured in a southerly direction along Stockton Street. 30
- (b.) In Stockton Street from a point opposite Church Row for a distance of 3 chains measured in a south-westerly direction along Stockton Road.
- (c.) In Stockton Road from a point 1·30 chains or thereabouts measured in a north-easterly direction from the junction of York Road with Stockton Road for a distance of 3 chains measured in a south-westerly direction along Stockton Road. 35
- (d.) In Stockton Road from a point 5·50 chains or thereabouts measured in a southerly direction from opposite Oxford Street for a distance of 3 chains measured in a southerly direction along Stockton Road.

The total length of Tramway No. 1 is 7 furlongs 1·00 chain consisting of 5 furlongs 9·00 chains of single line and 1 furlong 2·00 chains of double line. 40

Tramway No. 2 commencing at the point of termination of Tramway No. 1 as before described and passing thence along Stockton Road in a south-westerly direction and terminating in that road at a point 1 furlong 5·2 chains from the commencement of Tramway No. 2.

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- Tramway No. 2 shall be laid as a single line except between the points herein-after specified where it shall be laid as a double line:—

In Stockton Road for a distance of 2 chains measured in a northerly direction from the point of termination thereof;

- The total length of Tramway No. 2 is 1 furlong 5·20 chains consisting of 1 furlong 3·2 chains of single line and 2·00 chains of double line.

- Tramway No. 3 commencing in Cambridge Road by a junction with the existing Tramway No. 3 described in and authorised by the Hartlepool Tramways Order 1883 at the point of termination thereof and proceeding thence in a westerly direction along Cambridge Road Wellington Road Victoria Road and Grange Road and terminating at a point in that road at the termination thereof and opposite the entrance to the Ward Jackson Park.

Tramway No. 3 shall be laid as a single line except between the points herein-after specified where it shall be laid as a double line:—

- (a.) In Victoria Road from a point 1 chain or thereabouts measured in a westerly direction from opposite York Road for a distance of 3 chains measured in a westerly direction along Victoria Road.
- (b.) In Grange Road from a point 14·5 chains or thereabouts measured in a westerly direction from opposite Thornville Street for a distance of 3 chains measured in a westerly direction along Grange Road.
- (c.) In Grange Road for a distance of 2 chains measured in an easterly direction from the point of termination of Tramway No. 3 as before described.

- The total length of Tramway No. 3 is 1 mile 0 furlongs 8·00 chains consisting of 7 furlongs 7·00 chains of single line and 1 furlong 1·00 chain of double line.

The tramways will be situate in the parish and township of West Hartlepool in the borough of West Hartlepool in the county of Durham.

- Provided always that the tramways shall be laid throughout along the centre of the road in such a manner that a line drawn midway between the external lines of the tramways which are next the kerb may coincide as nearly as may be with the centre line of the carriageway. Provided further that any portion or portions of the tramway may be laid otherwise than along the centre of the road if the Board of Trade at any time sanction their being so laid.

- Provided further that where according to the deposited plans it is proposed to lay down in any road a single line of tramway and a less space than nine feet six inches intervenes between the outside of the footpath on either side of the road and the nearest rail of the tramway the Promoters shall in lieu of such single line lay down a double line of tramway with proper passing places and every such double line shall be so laid that only one of such lines can be used at one and the same time.

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Electric.*
Width of
engines and
carriages.

7. The tramways shall be constructed on a gauge of three feet six inches Provided that so much of section thirty-four of the Tramways Act 1870 as limits the extent of the carriages used on any tramway beyond the outer edge of the wheels of such carriages shall not apply to carriages used on the tramways but no engine or carriage used on the tramways shall exceed six feet in width or such other width as may from time to time be prescribed by the Board of Trade. 5

Provisions as
to construction
of tramways.

8. In addition to the requirements of section twenty-six of the Tramways Act 1870 the Promoters shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing laying down maintaining or renewing any of the tramways lay before the Board of Trade and the road authority a plan showing the proposed mode of constructing laying down maintaining and renewing such tramways and a statement of the materials intended to be used therein and the Promoters shall not commence the construction laying down maintenance or renewal of any of the tramways or part of any of the tramways respectively except for the purpose of necessary repairs until such plan and statement have been approved by the Board of Trade and by the road authority and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority as provided by section twenty-six of the said Act. 10 15 20

As to rails of
tramways.

9. The rails of the tramways shall be such as the Board of Trade may approve and the Board of Trade may from time to time upon the application of the road authority of any district in which the tramways or any portion thereof are or is situate require the Promoters to adopt and apply such improvements in the tramways within such district including the rails and permanent way thereof together with the substructure upon which the same rest as experience may from time to time suggest having regard to the greater security of the public and advantage to the ordinary traffic and the Promoters shall with all reasonable despatch comply with any order made by the Board of Trade for the purpose of carrying out any such improvements. 25 30

Penalty for not
maintaining
rails and roads
in good con-
dition.

10. The Promoters shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways and the substructure upon which the same rest and so much of the paving of any roads upon which the same rest as is required to be maintained by the Promoters And if the Promoters at any time fail to comply with this provision or with the provisions of section twenty-eight of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds for every day on which such noncompliance continues and such penalty shall be a penalty within the meaning of section fifty-six of the said Act. 35 40

In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of such district that the Promoters have made default in complying with the provisions in this section 45

contained or with any of the requirements of section twenty-eight of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction
 5 then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Promoters to such penalty or penalties in respect thereof as is or are by this section imposed.

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11. Every local authority shall at all times have free access to and commu-
 10 nication with all their sewers and drains and power to lay lateral and private drains to communicate therewith without the consent or concurrence of the Promoters and the provisions contained in the thirty-second and thirty-third sections of the Tramways Act 1870 shall be applicable in the case of any sewer or private drain of or under the control of the local authority as if the
 15 same were a pipe for the supply of gas or water.

Local authority
to have access
to sewers.

12. If any road authority hereafter alter the level of any road along or across which any of the tramways is laid or authorised to be laid the Promoters shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of
 20 the road as altered.

Tramways to
be kept on a
level with sur-
face of road.

13. The Promoters may from time to time hereafter make alter or amend all such crossings passing places sidings junctions and other works in addition to those particularly specified in and authorised by this Order as may from time to time be necessary or convenient for the efficient working of the
 25 tramways or any of them or for providing access to any stables engine-houses carriage-houses sheds or works of the Promoters subject to the approval of the road authority Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the
 30 road if any owner or occupier of premises abutting on the place where such rail is proposed to be laid by writing under his hand addressed to the Promoters express his objection thereto Provided also that the number and situation of such crossings passing places sidings junctions and other works shall be determined by the road authority and if any difference arise between
 35 the promoters and the road authority with respect to the number and situation of any such crossings passing places sidings junctions or works the same shall be settled in the manner specified in section thirty-three of the Tramways Act 1870 for the settlement of the differences in the said section mentioned.

Additional
crossings, &c.
may be made
where neces-
sary.

14. Where by reason of the execution of any work affecting the surface or
 40 soil of any road along which any of the tramways is laid it is in the opinion of the road authority necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Promoters may subject to such conditions and in accordance in all respects with such regula-
 45 tions as the road authority may from time to time make construct in the same or any adjacent road and with the like consent subject to the like

Temporary
tramways may
be made when
necessary.

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conditions and in accordance with the like regulations maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued.

If any difference arise between the Promoters and any road authority with respect to the reasonableness of any conditions or regulations or with respect to the mode of constructing any temporary tramway or tramways under the authority of this section the same shall be settled in the manner specified in section thirty-three of the Tramways Act 1870 for the settlement of the differences in the said section mentioned.

For the protection of the corporation of West Hartlepool.

15. For the protection and benefit of the mayor aldermen and citizens of the borough of West Hartlepool (in this section called "the corporation") the following provisions shall apply and have effect and such provisions shall be in addition to and not in derogation of any other provisions of this Order or of any public Act or Acts of Parliament which may exist for the protection or benefit of the corporation:—

(Mode of laying tramways to be approved by the corporation.)

(1.) Subject to the provisions of this Order the size and construction of all engines and carriages to be used on the tramways and the wheels and the brakes attached thereto and the mode of laying down the tramways and the form of the rails sleepers fastenings and grooves (if any) and the poles with their several attachments shall be such as the corporation and the Promoters may agree upon and as the Board of Trade may approve and shall be in accordance with designs plans sections and specifications to be previously submitted to and approved of by the corporation but so that the form of rails sleepers fastenings and grooves shall be the same throughout the whole length of tramways and in case of difference between the corporation and the Promoters they shall be such as the Board of Trade shall determine.

(Portions of road to be paved by promoters.)

(2.) Section 28 of the Tramways Act 1870 and the provisions of this Order with respect to the paving and maintaining certain portions of the roadways of any road whereon any of the tramways are laid shall extend and apply to so much of any road as extends two feet one inch beyond the rails of and on each side of any such tramway and shall also extend and apply to the whole width of any road where it is proposed that a less space than nine feet six inches shall intervene between the outside of the footpath on either side of the road and the nearest rail of the tramway.

(Paving and material of roads.)

(3.) So much of any road upon which any of the tramways are laid as the Promoters are under the provisions of the Tramways Act 1870 and this Order required to repair shall be paved and maintained by the Promoters with such paving materials and foundation as the corporation shall reasonably require and the corporation may prescribe a particular material for paving any specified street and a different material for paving any other street.

(Costs of alterations in level of roads owing to construction of tramways.)

(4.) If by reason of the construction of any of such tramways any alteration is rendered necessary in the level of any road the reasonable expense of making such alteration shall be borne and paid by the Promoters.

- (5.) The Promoters shall forthwith pay to the corporation the costs of the repair and re-instatement of so much of the roads along which the tramways are laid as may be injured or damaged by reason of the traffic being concentrated thereon during the construction alteration or repair of the tramways or any part or parts thereof Provided nevertheless that such repairs and re-instatement may at the request of the Promoters and with the consent of the corporation be executed by the Promoters.
- (6.) The Promoters shall at their own cost and risk in all respects if and when required by the corporation during the construction of the tramways forthwith remove so much of all drains and sewers and of all water mains pipes and lighting apparatus belonging to such corporation as shall be situate under that part of any road which they by section 28 of the Tramways Act 1870 or by this Order are required to maintain and keep in good condition and repair and which would in the opinion of the corporation or their surveyor be injuriously affected by the tramways or the works connected therewith of the Promoters and shall reconstruct and relay with all needful alterations so much as aforesaid of any such drains sewers mains pipes and lighting apparatus in such parts of such road as may be prescribed by and to the satisfaction of the corporation.
- (7.) If in the opinion of the corporation any of the tramways requires alteration in consequence of any improvement or alteration having taken place in any road along which such tramway is laid the Promoters shall at their own cost make such alterations as the corporation may deem necessary and if the Promoters fail to make such alterations within three months after being required so to do the corporation may themselves make such alterations and execute the works connected therewith and recover the cost thereof from the Promoters.
- (8.) The corporation shall not be responsible to the Promoters for any damage the Promoters may sustain by reason of their having to repair or relay their lines from time to time in consequence of the road subsiding after the construction or relaying of any sewer gas water or other pipes and apparatus has been completed and the ground above the same filled in.
- (9.) Before the Promoters open or break up any road within the borough of West Hartlepool for the purpose of constructing any tramway they shall deposit in a bank to be approved by the corporation to a joint account in the names of the Promoters and the corporation a sum of money (in this section referred to as "the deposit fund") to be calculated at the rate of seven hundred and fifty pounds for every mile of tramway (and so in proportion for a part of a mile of tramway) by this Order authorised to be constructed within such district and of their intention to construct which the Promoters shall have given the corporation notice in writing.
- The deposit fund shall at the request of the Promoters but at their risk be from time to time invested in the joint names of the Promoters and of the corporation in such securities as the corporation may approve

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Electric.*(Costs of re-instat-
ing roads
owing to con-
struction of
tramways.)(Costs of
relaying of
drains and
pipes owing to
construction of
tramways.)(Promoters to
alter tramways
after improve-
ment in roads.)(Corporation
not responsible
for settling of
road.)(Promoters to
make deposit
before break-
ing up roads.)

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and the interest thereon shall from time to time be paid to the Promoters.

On the completion of the tramways to the satisfaction of the surveyor of the corporation the deposit fund shall be paid out or the securities in which the same is invested shall be transferred to the Promoters by the said bank and the certificate of the engineer for the time being of the corporation certifying that such tramways have been completed to his satisfaction as aforesaid shall be a sufficient authority to the said bank to make such payment or for such transfer.

If the tramways having been commenced are not completed within the time limited by the Tramways Act 1870 or within such extended time as may be duly sanctioned in accordance with the provisions of this Order the deposit fund shall be paid out or transferred by the said bank to the corporation and the same and any securities in which the same may for the time being be invested or any part thereof may be applied in payment of the expenses incurred by them in the removal of so much of the tramways as shall have been laid by the Promoters and in restoring the road to the satisfaction of their surveyor (the balance of the deposit fund being paid to the Promoters) and for the purpose of such restoration the corporation shall be at liberty to break up or use any part of the materials of such tramways and the Promoters shall join the corporation in any deed act matter or thing which may be necessary to effect such application of the deposit fund as aforesaid.

If the deposit fund is insufficient to re-imburse the corporation the expenses so incurred they shall be at liberty to sell the materials of such tramways (or the remaining portion thereof as the case may be) and to apply the proceeds in or towards satisfaction of such expenses and the balance (if any) shall be paid to the Promoters by the corporation or if such proceeds of sale are insufficient the Promoters shall on demand pay to the corporation such deficiency and in case of non-payment the same may be recovered by the corporation by all and the same means as any simple contract debt of like amount may be recovered.

(Application of
road materials
excavated in
construction of
Promoters
works.)

(10.) Any paving metalling or material excavated by the Promoters in the construction of the tramways from any road under the jurisdiction or control of the corporation may be applied by the Promoters so far as may be necessary in or towards the re-instating of the road and the maintenance for six months after completion of any of the tramways within the borough of West Hartlepool of so much of the roadway on either side of such tramways as the Promoters are by section 28 of the Tramways Act 1870 and this Order required to maintain and the Promoters shall if so required by the corporation deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of the corporation or to such person or persons as he may appoint to receive the same at such place or places to be appointed by such surveyor not being further distant than one mile from the place where such surplus paving metalling or material may at the time of the making of such requirements by the

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- corporation be lying. Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given such surplus is not removed by such surveyor or by some other person named by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Promoters and may be dealt with removed and disposed of by them in such manner as they may think fit.
- (11.) Nothing in this Order contained shall obstruct hinder prejudice or prevent the corporation from breaking up any road within the borough of West Hartlepool for any purpose for which they are authorised to break up any road therein and for such purpose they may stop the traffic along the tramways and any extra cost occasioned by reason of such tramways being there and incurred by the corporation in the exercise of their powers and in restoring the surface of any such road and any of the tramways laid by the Promoters shall be borne by the Promoters and be paid by them to the corporation and may be recovered by the corporation from the Promoters by all and the same means as any simple contract debt of like amount may be recovered.
- (12.) When any of the tramways are constructed or intended to be constructed over any man-hole or entrance into any sewer of the corporation or so close to such man-hole or entrance as to make the use thereof dangerous or inconvenient in the opinion of the corporation the Promoters shall if required by the corporation construct a side entrance in lieu of such man-hole or entrance in such positions and according to such plan as may be approved by the corporation or the corporation may at their option construct such side entrance and the Promoters shall repay to the corporation the costs thereof.
- (13.) The corporation may cleanse any road without reference to the tramways but whatever cleansing owing to snow or other matter impeding the traffic is requisite for the proper working of the tramways shall be executed by the Promoters who shall in performing the same remove the snow or other matter from off the centre of the road into the channel at the side thereof and any dirt or other material or thing removed by the Promoters their officers or servants from the grooves of the rails of the tramways shall not be allowed to remain on the road but shall be at once taken away by the Promoters.
- (14.) Except as by this Order or by the Tramways Act 1870 expressly provided after the opening of any of the tramways for public traffic such tramways shall not nor shall any of the materials of which the same are constructed be removed except for the ordinary repairs of such tramways without the consent in writing of the corporation.
- (15.) The corporation may at such times and in such manner as they think fit between the hours of eleven at night and five in the morning (but subject to the byelaws for the time being in force with respect to the tramways) use the tramways for sanitary purposes and for the conveyance of scavenging stuff road metal and other materials required by the

(Breaking up
roads by
corporation.)(Side entrance
to sewers.)(Cleansing of
tramways.)(Tramways
not to be
removed with-
out consent of
corporation.)(The corpora-
tion may use
tramways at
night for
sanitary
purposes, &c.)

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*Hartlepool
Electric.*(Provision
of waiting
room.)(Lights on
carriages after
sunset.)(The corpora-
tion may
make
additional
byelaws.)(Provision
as to arbitra-
tion.)Tramways
not to be
opened until
certified by
Board of
Trade.Carriages on
tramways may
be moved by
mechanical
or electric
power.

works of the corporation free of all tolls and charges in respect of such use Provided that the corporation shall not be entitled to use or employ for such purposes any carriages trucks horses or other motive power or officers and servants of the Promoters.

(16.) The Promoters shall if required by the corporation provide and 5
maintain at least one waiting room for passengers in a situation on the
route of the tramways to be approved by the corporation.

(17.) In case the Promoters between sunset and sunrise use on the tramways
any carriage they shall be bound to fix and maintain one light at least
in the front of such carriage and one light at least in the rear of such 10
carriage of such distinctive colours and of such illuminating powers as
may be prescribed by the corporation or in case of difference between the
corporation and the Promoters by the Board of Trade and unless such
lights shall be so placed as to light up the inside of the carriages as well
as the outside a sufficient light shall be placed inside each carriage. 15

(18.) The corporation may from time to time make under and according to
the provisions of section 46 of the Tramways Act 1870 regulations and
byelaws for all or any of the following purposes in addition to the
purposes in the said section mentioned that is to say :—

a. For prohibiting the passengers from entering or leaving any carriage 20
at any place which the corporation having regard to the protection
safety or convenience of the public may prescribe.

b. For empowering the corporation to cause to be removed from the
tramways any engine carriage fittings or other things which are
unfit for use on the tramways. 25

(19.) Any difference which arises between the Promoters and the corpora-
tion or any surveyor or other person under any of the provisions of this
section (except as by this section otherwise specially provided) shall be
deemed a matter in difference within section 33 of the Tramways Act
1870 and the provisions as to arbitration of the said section and of this 30
Order shall apply accordingly.

16. The tramways shall not be opened for public traffic until the same
have been inspected and certified to be fit for such traffic by the Board of
Trade.

Motive Power.

17. The carriages used on the tramways may subject to the provisions of
this Order be moved during a period of seven years after the opening of the
same for public traffic and with the consent in writing of the Board of Trade
during such further period not exceeding seven years as the said Board may
from time to time specify in any order to be signed by a secretary or 40
an assistant secretary of the said Board by any mechanical power or electric
power carried along with the carriages or applied by means of the rails or
conductors placed above on or under the ground.

Provided always that the exercise of the powers hereby conferred with
respect to the use of any mechanical or electric power shall be subject to the 45

regulations set forth in the Schedule A to this Order annexed and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for

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Electric.*

5 securing to the public all reasonable protection against danger in the exercise of the powers by this Order conferred with respect to the use of any mechanical or electric power on the tramways.

18. Subject to the provisions of this Order the Promoters may place and maintain on any street or road in which any of the tramways may be laid
10 such posts and overhead electric wires as may be necessary and proper for working such tramways by electric power.

Power to
place posts
wires &c.

Provided that before placing such posts or wires the Promoters shall lay before the Board of Trade and the road authority a plan showing the position of every such pole and wire and shall not commence the erection thereof
15 until such plan shall have been approved by the said Board and by the said road authority and all such poles and wires shall be placed and erected in accordance with the plan so approved.

19. The Promoters or any person using any power on the tramways contrary to the provisions of this Order or to any of the regulations set forth
20 in the Schedule A to this Order annexed or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Order shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day after the first during
25 which such offence continues after conviction thereof Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Promoters or any person using any power on the tramways under the authority of this Order have or has made default in complying with the provisions of this Order or with any of the regulations set
30 forth in the Schedule A to this Order annexed or with any regulation which may have been added thereto or substituted therefor as aforesaid may by order direct the Promoters or such person to cease to exercise the powers aforesaid and thereupon the Promoters or such person shall cease to exercise the powers aforesaid and shall not again exercise the same or any of the same unless with
35 the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such Order

Penalty for
using
mechanical
or electric
power
contrary to
Order or
regulations.

20. Subject to the provisions of this Order the Board of Trade may from time to time make and when made may rescind annul or add to byelaws with regard to any of the tramways for all or any of the following purposes that is
40 to say :—

Byelaws.

For regulating the use of the bell whistle or other warning apparatus fixed to the engine ;

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses
45 being frightened or of impending danger as the Board of Trade may deem proper for securing safety ;

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Electric.*

For regulating the entrance to exit from and accommodation in the carriages used on the tramways and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages ;
For providing for the due publicity of all regulations and byelaws in force for the time being in relation to the tramways by exhibition of the same 5
in conspicuous places on the carriages and elsewhere.

Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Order shall be liable to a penalty not exceeding forty shillings.

As to recovery
of penalties.

21. The provisions of the Tramways Act 1870 with respect to the recovery 10
of penalties shall apply to any penalty under this Order and to any penalty for non-observance of any byelaw made by the Board of Trade under the authority of this Order.

Amendment of
Tramways Act
1870 as to
byelaws by
local authority.

22. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be 15
observed in travelling on the tramways shall not authorise the local authority to make any byelaw sanctioning a higher rate of speed than that authorised by this Order or by any regulation made by the Board of Trade under the authority of this Order at which carriages are to be driven or propelled on the tramways under the authority of this Order but the local authority may 20
if they think fit make byelaws under the provisions of the said Act for restricting the rate of speed to a lower rate than that so prescribed.

Orders and
byelaws to be
signed &c.

23. All orders and byelaws made and consents approvals and certificates given by the Board of Trade under the authority of this Order shall be signed by a secretary or an assistant secretary of the Board of Trade and when 25
purporting to be so signed the same shall be deemed to have been duly made in accordance with the provisions of this Order and to be orders and regulations within the meaning of the Documentary Evidence Act 1868 and may be proved accordingly.

As to contracts
with road
authorities
where mechanical or electric
power used.

24. Where the Promoters or any person intend or intends to use any 30
mechanical or electric power under the authority of this Order on the tramways or any part thereof they or he shall give two months previous notice in writing of such intention to every road authority within whose district the tramways or such part thereof upon which they or he intend or intends to use such power are or is situate. 35

Where at the time of the giving of any such notice any contract agreement or arrangement is in force with respect to the user by the Promoters or such person or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which such tramways or such part of such tramways are or is laid or with respect 40
to the payment by the Promoters or such person to such road authority of any annual or other sum in relation to such user paving and keeping in repair of such road then and in every such case with the consent of the Board of Trade it shall be lawful for the Promoters or such person by such notice or for such road authority by notice to be served upon the Promoters or such 45
person not later than forty days after the receipt by such road authority of

such first-mentioned notice to determine such contract agreement or arrangement and thereupon such contract agreement or arrangement shall from and after the commencement of the use of any mechanical or electric power upon such tramways or such part thereof be determined and of no effect.

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Electric.*

- 5 Before using any mechanical or electric power on the tramways or any part thereof and thereafter from time to time the Promoters or such person and every such road authority may enter into or renew with or without modification any contract agreement or arrangement with respect to the user by the Promoters or such person or the paving and keeping in repair of the whole or
10 any part of the roadway of any road within the district of such road authority upon which such tramways or such part of such tramways are or is laid or with respect to the payment by the Promoters or such person to such road authority of any annual or other sum in relation to such user paving and keeping in repair of such road which they may think fit and the Board of
15 Trade may approve.

- In case any difference arise between any such road authority and the Promoters or such person as to the determination of any such contract agreement or arrangement or in case any such road authority after request in writing by the Promoters or such person or the Promoters or such person after request in
20 writing by any such road authority during a period of one month after such request refuse or fail to enter into any such contract agreement or arrangement or to renew the same with or without modification or to make a new contract instead thereof or in case of any difference as to the terms of any such contract agreement or arrangement or any renewal thereof with or without modification
25 or any new contract instead thereof then and in every such case the difference with respect to such determination or the reasonableness of such refusal or failure or the terms of such contract agreement or arrangement or any renewal thereof with or without modification or any new contract instead thereof shall from time to time on the appeal of either of the parties to the
30 Board of Trade be determined in manner provided by the Tramways Act 1870 with respect to all differences between the Promoters and any road authority and thereupon the parties shall in all respects conform to such determination and make and observe any contract agreement or arrangement thereby prescribed Provided always that while any such appeal is pending the Board of
35 Trade may order that no mechanical or electric power shall be used on the tramways to which such appeal relates.

- No mechanical or electric power shall be used on the tramways or any portion of the tramways unless there is in force in relation to the tramways or such part of the tramways a contract agreement or arrangement in
40 accordance with the provisions of this section

- Any moneys which may from time to time be received by such road authority under any contract agreement or arrangement in accordance with the provisions of this section shall be applied by them towards the expenses of repairing improving and maintaining the highways within their district
45 having regard in the first instance to the requirements of the roads upon which the tramways are laid.

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Electric.*

Where
mechanical or
electric power
is used con-
tract with road
authority not
to be for longer
than two years
at a time.

25. Where any mechanical or electric power is used by the Promoters or any person on the tramways or any part thereof no contract agreement or arrangement made before or after the commencement of the use of mechanical or electric power as aforesaid with respect to the user by the Promoters or such person or the paving and keeping in repair of the whole or any part 5 of the roadway of any road within the district of any road authority upon which such tramways or such part of such tramways are or is laid or with respect to the payment by the Promoters or such person to such road authority of any annual or other sum in relation to such user paving and keeping in repair of such road shall continue in force for any period 10 exceeding two years at any one time after the commencement of the use of mechanical or electric power as aforesaid or the making of such contract agreement or arrangement. Provided always that any such contract agree- ment or arrangement may from time to time be renewed with or without modification or a new contract agreement or arrangement may be made 15 instead thereof.

Traffic upon Tramways.

Traffic upon
tramways.

26. The tramways may be used for the purpose of conveying passengers animals goods minerals and parcels.

Promoters not
bound to carry
animals goods
&c.

27. The Promoters shall not be bound to carry unless they think fit any 20 animals goods minerals or parcels other than passengers luggage not exceeding twenty-eight pounds in weight.

Provision as to
carriage of
animals goods
&c. in separate
carriages.

28. In case the Promoters carry animals goods minerals or parcels they may and when required by the local authority shall carry the same in separate carriages or separate parts of carriages set apart for that purpose 25 Provided that this provision shall not apply to the carriage of passengers luggage.

As to use of
bells.

29. The Promoters shall not use or permit to be used in any road within the district of any local authority any bell or other continuous sounding instrument in or upon the carriages running on the tramways or upon the 30 horses attached thereto except with the approval of such authority or by the direction of the Board of Trade.

Railway
carriages not
to be used on
tramways.

30. No carriages or trucks adapted for use upon railways shall be used upon the tramways.

Tolls.

35

Tolls for
passengers.

31. The Promoters may demand and take for every passenger travelling upon the tramways or any part thereof including tolls and charges for the use of the tramways and of carriages and for motive power and for every other expense incidental to such conveyance any tolls or charges not exceeding one penny per mile (and for this purpose the fraction of a mile beyond an integral 40 number of miles shall be deemed a mile) but the Promoters may charge for any less distance than two miles any sum not exceeding twopence. Provided

always that for the purpose of levying tolls and charges the tramways shall be deemed to be part of the undertaking authorised by the Hartlepool Tramways Order 1883.

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*Hartlepool
Electric.*Passengers
luggage.Cheap fares
for labouring
classes.Tolls for
animals
goods &c.Payment of
tolls.As to fares
on Sundays
and holidays.Periodical
revision of
tolls.

32. Every passenger travelling upon the tramways may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof all such personal luggage to be carried by hand and at the responsibility of the passenger and not to occupy any part of a seat nor to be of a form or description to annoy or inconvenience other passengers.

33. The Promoters at all times after the opening of the tramways or any part or parts thereof for public traffic shall and they are hereby required to run at least two carriages each way every morning in the week and every evening except Saturday evening in the week (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than six in the morning or earlier than five in the evening respectively as the Promoters think most convenient for artisans mechanics and daily labourers at fares not exceeding one halfpenny per mile (the Promoters nevertheless not being required to take any fare less than one penny) provided that in case of any complaint made to the Board of Trade as to the number of such carriages run by the Promoters or as to the hours appointed by the Promoters for running such carriages the said Board shall have power to fix and regulate the same from time to time.

34. The Promoters may demand and take in respect of any animals goods minerals or parcels conveyed by them on the tramways or any part thereof except as is by this Order specially provided including the tolls and charges for the use of the tramways and for waggons trucks and motive power and every other expense incidental to such conveyance any tolls or charges not exceeding the tolls and charges specified in the Schedule B to this Order annexed subject to the regulations in that behalf therein contained.

35. The tolls and charges by this Order authorised shall be paid to such persons and at such places upon or near to the tramways and in such manner and under such regulations as the Promoters may by notice to be annexed to the list of tolls and charges appoint.

36. It shall not be lawful for the Promoters or any company or person working or using the tramways to take or demand on Sunday or any bank or other public holiday any higher tolls or charges than those levied by them on ordinary week days.

37. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways it is represented in writing to the Board of Trade by the local authority of any district in which the tramways or such portion of the tramways are or is wholly or partially situate or by twenty inhabitant ratepayers of any such district or by the Promoters that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the tramways or on such

A.D. 1895. portion of the tramways should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section Provided always that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Order authorised.

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Electric.

Miscellaneous.

Power to hold patents. 38. The Promoters may subject to the provisions of this Order (but only for the purposes of their undertaking and not so as to acquire any exclusive right therein) acquire hold and use any patent or other rights and any licenses to use patent rights relating to the construction or working of tramways or the carriages used thereon.

Provisions as to arbitration. 39. Where under the provisions of the Tramways Act 1870 and this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Arbitration Act 1889 shall except where otherwise specially provided apply to every such arbitration and the decision of the arbitrator shall be final and conclusive and binding on all parties and the costs of and incidental to the arbitration and award shall if either party so require be taxed and settled as between the parties by any one of the taxing masters of the High Court and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters and all those enactments including the enactments relating to the taking of fees by means of stamps shall extend to the fees in respect of the said taxation.

Form and delivery of notices. 40. With respect to notices and to the delivery thereof by or to the Promoters the following provisions shall have effect (that is to say) :—
(1.) Every notice shall be in writing or print or partly in writing and partly in print and if given by the Promoters or by any local authority or any road authority shall be signed by their secretary or clerk;
(2.) Any notice to be delivered by or to the Promoters to or by any local authority or any road authority or other body or any company may be delivered by being left at the principal office of such authority body or company or of the Promoters as the case may be or by being sent by post in a registered letter addressed to their respective clerk or secretary at their principal office.

Running powers over other tramways. 41.—(1.) The Promoters of this Order may by agreement but not otherwise run over with their engines carriages and servants and use for the purposes of traffic of all kinds—
The whole of the tramways and works authorised by the Hartlepool Tramways Order 1883;

together with all stables carriages sheds offices warehouses sidings junctions machinery works and conveniences of or connected with the said tramways.

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Electric.*

- (2.) The terms conditions and regulations to which the Promoters shall be subject in respect of running over and using the said tramways and the tolls or other consideration to be paid by them for the same shall be such as may be mutually agreed upon between the Promoters and the owners of such tramways for the time being or as failing such agreement may be from time to time determined by an arbitrator to be nominated by the Board of Trade in manner provided by section thirty-three of the Tramways Act 1870
- 10 Provided always that such terms conditions and regulations shall in every case be approved by the Board of Trade.

- (3.) The Promoters in running over or using the said tramways in accordance with the provisions herein-before contained shall at all times comply with the provisions regulations and byelaws for the time being in force on the said tramways so used so far as the same shall be applicable to the Promoters and shall for their own acts and defaults in respect of such user incur all and the same liabilities as the owners of such tramways.

42. The Promoters on the one hand and the Promoters of the Hartlepool Tramways Order 1883 on the other hand may from time to time enter into and carry into effect and rescind contracts agreements and arrangements with respect to the following purposes or any of them (that is to say):—

Power to enter into working agreements.

- The working use management construction and maintenance by the contracting parties of their respective tramways and works or any part or parts thereof respectively and the employment of officers and servants;
- 25 The supply and maintenance under and during the continuance of any such agreement as aforesaid for the tramways of either of the contracting parties or any part or parts thereof being worked and used by the other of them of stock and plant necessary for the purposes of such agreement;
- 30 The payments to be made and the conditions to be performed with respect to the matters aforesaid;
- The management regulation interchange collection transmission and delivery of traffic upon or coming from or destined for the tramways of the contracting parties;
- 35 The fixing collection payment appropriation apportionment and distribution between the contracting parties of the rates income and profits levied taken or arising from the respective tramways and works of the contracting parties or any part thereof;

And all incidental matters:

- 40 Provided always that no contract agreement or arrangement under this section shall have any effect until the same has been approved by the Board of Trade.

43. The Promoters and any road authority may subject to the provisions of this Order from time to time enter into any agreements with respect to the construction maintaining removing renewing repairing and using of the tramways situated within the district of such road authority and the rails

Agreements between Promoters and road authorities.

A.D. 1895. plates sleepers and works connected therewith and the facilitating the passage of the traffic over the same.

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Electric.*

Power to
enter into
agreements
with respect
to traffic &c.

44. The Promoters or any person using the tramways under the authority of this Order may with the consent of the Board of Trade from time to time but subject to the provisions of this Order enter into agreements with any 5 company or person with respect to the receiving from or forwarding to any such company or person any passengers animals goods minerals or parcels and the fixing collecting and apportionment of tolls charges rents or other receipts arising in respect of such traffic.

Provisions
in case of
discontinu-
ance of
Tramways
or insol-
vency of
Promoters.

45. The time at which the powers of the Promoters shall cease and 10 determine under section 42 of the Tramways Act 1870 shall be that of the expiration of three months from the making of an Order by the Board of Trade under that section and the said section shall be read and construed accordingly.

Notwithstanding anything in the Tramways Act 1870 or in this Order 15 contained if at any time after the opening of any of the tramways in any district for traffic the Promoters discontinue working such tramways or any part thereof for the space of three calendar months or if at any time after such opening it appears to the local or road authority of such district and to the Board of Trade that the Promoters are insolvent and an Order is made by the 20 Board of Trade under section 41 or section 42 of the Tramways Act 1870 the local authority of such district may (if they think fit) in lieu of exercising the powers conferred upon such local authority by the said sections cause a valuation of such tramways and an estimate of the cost of the removal of the same and of the re-instatement of the roads within such district upon which 25 the same are laid to be made and thereupon and upon payment by such local authority to the Promoters or other the person or persons for the time being entitled to give a legal discharge for the same of such a sum as will represent the excess of the said valuation over the said estimate such tramways and all the rights powers and authorities in respect of such tramways of the 30 Promoters previous to the making of such Order by the Board of Trade shall be transferred to vested in and exerciseable by such local authority and in case any difference arises as to the amount of any such valuation or estimate the same shall be referred to and settled by a referee to be appointed by the Board of Trade in manner provided by section 33 of the Tramways Act 1870 35 Provided that if the amount of such estimate in any case exceeds the amount of such valuation such local authority may take possession of such tramways within their district and such tramways and all such rights powers and authorities as aforesaid in respect of such tramways shall be transferred to vested in and exerciseable by such local authority Provided that nothing in this 40 section shall authorise the local authority to themselves work the tramways.

Future pur-
chase of under-
taking by local
authority.

46. For the purposes of this Order section 43 of the Tramways Act 1870 shall with respect to such tramways be read as though the words "fourteen years" were inserted therein instead of the words "twenty-one years" 45 Provided that the local authority in case they purchase such tramways shall give to the Promoters the option of taking a lease thereof for the term of at

least seven years from the expiration of the said period of fourteen years making up the aggregate term of twenty-one years from the passing of the Act confirming this Order at a rental calculated at such rate of interest per centum per annum on the amount of the purchase money to be paid by the

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Electric.*

- 5 local authority as may be agreed upon by and between the local authority and the Promoters or as failing such agreement may be determined by the Board of Trade or by some person appointed for the purpose by the said Board In case of such lease as aforesaid being granted the lessees under such lease shall maintain such tramways so purchased and leased by the local
10 authority and all matters and things connected therewith in good repair at their own cost and shall at the termination of the lease render up the same in as good condition as the same respectively were in at the commencement thereof reasonable wear and tear excepted.

- 15 47. In the event of the Promoters desiring to exercise the power of sale conferred by section 44 of the Tramways Act 1870 they shall if such sale is intended to be made to any person persons or company other than a company incorporated within two years after the passing of the Act confirming this Order for the purpose of constructing and working the tramways give two
20 calendar months previous notice in writing to the local authority of their intention to exercise such power and of the terms and conditions of such proposed sale and the local authority may thereupon if by resolution passed at a special meeting of the local authority in accordance with the provisions of section 43 of the Tramways Act 1870 they so decide within the said period of two months by notice in writing require the Promoters to sell to them the
25 tramways within the district upon the same terms and conditions as those specified in the said first-mentioned notice and the Promoters shall thereupon forthwith sell the same to the local authority accordingly and all the provisions of section 43 of the Tramways Act 1870 with regard to the purchase of the undertaking by the local authority shall extend and apply to any sale
30 to the local authority under this section.

Promoters
not to ex-
ercise power
of sale
without
giving local
authority
option of
purchase.

48. No sale or assignment of the undertaking shall have any validity or effect until after the approval of the Board of Trade to such sale or assignment has been signified in writing signed by a secretary or an assistant secretary of the said Board.

Approval of
Board of
Trade to
sale to be in
writing.

- 35 49. Nothing in this Order or in the Tramways Act 1870 contained shall prevent the Promoters borrowing money on the security of mortgages of the undertaking or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage Provided that every mortgage of the undertaking shall be deemed to comprise all purchase money
40 which may be paid to the Promoters in the event of a compulsory sale of the undertaking or any part thereof to the local authority under section forty-three of the Tramways Act 1870 and that any mortgage granted by the Promoters shall not be a charge upon the undertaking or any part thereof in the event of the undertaking or such part being purchased by the local
45 authority under section forty-three of the Tramways Act 1870 and that

Saving as to
powers of
borrowing on
mortgage.

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*Hartlepool
Electric.*Provisions
as to use of
electric power.

every mortgage deed granted by the Promoters shall be indorsed with notice to that effect.

50. The following provisions shall apply to the use by the Promoters of electric power upon any of the tramways by this Act authorised unless such power is entirely contained in and carried along with the carriages:—

- (1.) The Promoters shall employ either insulated returns or uninsulated metallic returns of low resistance.
- (2.) The Promoters shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances.
- (3.) The powers by this Order conferred with respect to the use of electric power shall be exercised only in accordance with the regulations to be prescribed by the Board of Trade (herein-after referred to as "the prescribed regulations"); and to any regulations which may be added thereto or substituted therefor respectively by any Order which the Board of Trade may and which they are hereby empowered to make from time to time as or when they may think fit for regulating the employment of insulated returns or of uninsulated metallic returns of low resistance for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return.
- (4.) If the Promoters use electric power contrary to the provisions of this Order or to any of the prescribed regulations or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Order they shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence continues after conviction thereof. Provided always that whether any such penalty has been recovered or not the Board of Trade if in their opinion the Promoters in the use of electric power under the authority of this Order have made default in complying with the provisions of this Order or with any of the prescribed regulations or with any regulations which may have been added thereto or substituted therefor as aforesaid may by order direct the Promoters to cease to use electric power and thereupon the Promoters shall cease to use electric power and shall not again use the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.
- (5.) The Promoters shall take all reasonable and proper precautions in constructing placing and maintaining their electric lines circuits and other works of any description and in using their electric lines circuits

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Electric.*

and other works so as not injuriously to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus

5 Provided always that the Promoters shall be deemed to take all such reasonable and proper precautions as aforesaid if and so long as they adopt and employ at the option of the Promoters either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires
10 lines and apparatus of other parties and the currents therein as the Board of Trade shall direct and in giving such directions the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking Provided also that at the
15 expiration of a period of two years from the passing of the Act confirming this Order nothing in this subsection shall operate to give any right of action in respect of or to protect any electric wires lines or apparatus or the currents therein unless in the construction erection
20 maintaining and working of such wires lines and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric current If any difference
25 arises between the Promoters and any other party with respect to anything in this subsection contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be.

(6.) Nothing in this section shall apply to the use of any electric line circuit or work of any company corporation or person authorised by Act of
30 Parliament or Provisional Order confirmed by Parliament to supply energy for electric lighting purposes so far as such use is limited to such purposes.

(7.) The expression "the Promoters" in this section shall include their lessees and the licensees and any company or person owning or using any
35 tramway of the Promoters.

51. In the event of any tramways of the company being worked by electricity the following provisions shall have effect:—

For protection
of the
Postmaster-
General.

(1.) The Promoters shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due
40 regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction
45 or otherwise to such telegraphic lines or the currents therein If any question arises as to whether the Promoters have constructed their electric lines or other works or work their undertaking in contravention

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Electric.*

- of this subsection such question shall be determined by arbitration and the Promoters shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator.
- (2.) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Promoters of their electric lines and works or by the working of the undertaking of the Promoters the Promoters shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection. 5
- (3.) (a.) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Promoters or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Promoters and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work. 10 15 20
- (b.) Any difference which arises between the Postmaster-General and the Promoters or their agents with respect to any requirements so made shall be determined by arbitration. 25
- (4.) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters shall be liable to a fine not exceeding ten pounds for every day during which such contravention or noncompliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues. 30
- (5.) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reasons for doing or executing the same without previous notice. 35 40
- (6.) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work. 45
- (7.) For the purposes of this section and subject as therein provided sections two eight nine ten eleven and twelve of the Telegraph Act 1878 shall

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Electric.*

- 5 be deemed to be incorporated with this Order as if the Promoters were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular
- 5 nothing in this section shall be deemed to exclude the provisions of section seven of the Telegraph Act 1878 in relation to the matters mentioned in that section.
- (8.) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882.
- 10 (9.) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections thirty to thirty-two both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if
- 15 the Promoters or their agents were a company within the meaning of that Act.
- (10.) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Promoters by indictment action or otherwise in relation to any of the matters
- 20 aforesaid.

52. Notwithstanding anything in this Order contained the Promoters and any person using the tramways shall be subject and liable to the provisions of any general Act now in force or which may hereafter be passed during this or any future session of Parliament relating to tramways or by which any tax
- 25 or duty may be granted or imposed for or in respect of tramways or the passengers or traffic conveyed thereon and to any future revision or alteration under the authority of Parliament of the maximum rates of tolls and charges authorised by this Order and to any condition regulation or restriction which may be imposed upon the use of tramways or upon the use on tramways of
- 30 animal power electric power or any mechanical power by any such general Act as aforesaid.

Saving for
general Acts.

SCHEDULES.

SCHEDULE A.

- 35 Every engine used on the tramways shall be fitted with such mechanical appliances for preventing the motive power of such engine from operating and for bringing such engine and any carriage drawn or propelled by such engine to a stand as the Board of Trade may from time to time think sufficient.

Brake power
of engines.

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Electric.*As to fittings
of engines &c.

Every engine used on the tramways shall have its number shown in some conspicuous part thereof and shall be fitted—

With an indicator by means of which the speed shall be shown ;

With a suitable fender to push aside obstructions ;

With a special bell whistle or other apparatus to be sounded as a warning 5
when necessary ; and

With a seat for the driver of such engine so placed in front of such engine
as to command the fullest possible view of the road before him.

Every such engine shall be free from noise produced by blast or clatter of
machinery and the machinery shall be concealed from view at all points above 10
four inches from the level of the rails and all fire used on such engine shall be
concealed from view.

As to car-
riages.

Every carriage used on the tramways shall be so constructed as to provide
for the safety of passengers and for their safe entrance to exit from and
accommodation in such carriage and their protection from the machinery of 15
any engine used for drawing or propelling such carriage.

Inspection of
engines and
carriages.

The Board of Trade shall on application of the local authority of any
district in which any mechanical or electric power is used on the tramways
and may on complaint made by any person from time to time inspect any
engine or carriage used on the tramways and the machinery therein and may 20
whenever they think fit prohibit the use on the tramways of any such engine
or carriage which in their opinion may not be safe for use on the tramways.

As to speed.

The speed at which engines and carriages may be driven or propelled
along the tramways shall not exceed the rate of eight miles an hour.

The speed at which engines and carriages may pass through movable 25
facing points shall not exceed the rate of four miles an hour.

SCHEDULE B.

RATES AND CHARGES FOR ANIMALS GOODS &c.

ANIMALS.

		Per Mile.	30
		s. d.	
For every horse mule or other beast of draught or burden	per head	0 4	
For every ox cow bull or head of cattle	- - - "	0 3	
For every calf pig sheep or other small animal	- - - "	0 1½	

GOODS AND MINERALS.

For all coals coke culm charcoal cannel limestone chalk lime salt and fire-clay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or high- ways	- - - - -	per ton	0 2	35
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Per Mile.
s. d.

A.D. 1895.

Hartlepool
Electric.

- For all iron ore pig iron bar iron rod iron sheet iron hoop iron plates of iron slabs billets and rolled iron bricks slags and stone stones for building pitching and paving tiles slates and clay (except fire-clay) and for wrought iron not otherwise specifically classed herein and for heavy iron castings including railway chairs
- 5 per ton 0 2½
- For all sugar grain corn flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings
- 10 per ton 0 3
- For cotton and other wools drugs and manufactured goods and all other wares merchandise fish articles matters or things
- per ton 0 4

PARCELS.

- 15 Any Distance.
s. d.
- For any parcel not exceeding in weight 7 lbs. - - - each 0 3
- For any parcel exceeding 7 lbs. but not exceeding 14 lbs. in weight - - - - - 0 5
- 20 For any parcel exceeding 14 lbs. but not exceeding 28 lbs. in weight - - - - - 0 7
- For any parcel exceeding 28 lbs. but not exceeding 56 lbs. in weight - - - - - 0 9
- 25 For any parcel exceeding 56 lbs. in weight such sum as the Promoters may think fit.

Provided always that articles sent in large aggregate quantities although made up in separate parcels such as bags of sugar coffee meal and the like shall not be deemed parcels but that term shall apply only to single parcels in separate packages.

30 FOR THE CARRIAGE OF SINGLE ARTICLES OF GREAT WEIGHT.

Per Mile.
s. d.

- For the carriage of any iron boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage exceeds four tons but does not exceed eight tons such sum as the Promoters may think fit not exceeding per ton - - - - - 2 0
- 35 For the carriage of any single piece of timber stone machinery or other single article the weight of which with the carriage exceeds eight tons such sum as the Promoters may think fit.
- 40

REGULATIONS AS TO RATES.

A fraction of a mile beyond an integral number of miles shall be deemed a mile.

- A.D. 1895. For a fraction of a ton the Promoters may demand and take rates and charges according to the number of the quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton.
- Hartlepool Electric.*
- With respect to all articles except stone and timber the weight shall be 5 determined according to the imperial avoirdupois weight.
- With respect to stone and timber fourteen cubic feet of stone forty cubic feet of oak mahogany teak beech or ash and fifty cubic feet of any other timber shall be deemed one ton weight and so in proportion for any smaller quantity. 10

Newcastle-upon Tyne Corporation.

NEWCASTLE-UPON-TYNE CORPORATION.

Order authorising Haulage by Cables or Ropes on the Tramways authorised by the Newcastle-upon-Tyne Tramways and Improvement Act 1877 and the Newcastle-upon-Tyne Tramways Order 1879. 15

- Short title. 1. This Order may be cited as the Newcastle-upon-Tyne Tramways Order 1895.
- Incorporation of Acts. 2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the Promoters of the undertaking) and Part II. 20 of the Tramways Act 1870 are incorporated with this Order except where inconsistent with or varied by this Order.
- Interpretation. 3. "The Corporation" means the mayor aldermen and citizens of the city and county of Newcastle-upon-Tyne acting by the council.
- The Promoters. 4. The Corporation shall be the Promoters for the purposes of this Order. 25
- Carriages may be moved by cables wire or other ropes. 5. Subject to the provisions of this Order and with the consent in writing of the Board of Trade the carriages used on the following tramways of the Corporation authorised by the Newcastle-upon-Tyne Tramways and Improvement Act 1877 (that is to say):
- Tramway Number 1 (from its commencement to its junction with Tramway 30 Number 2) Tramway Number 1A and Tramway Number 1B Tramway Number 1C (from its commencement to its junction with Tramway Number 2A) and Tramway Number 2 Tramway Number 2A and Tramway Number 2B
- and on the following tramways of the Corporation authorised by the 35 Newcastle-upon-Tyne Tramways Order 1879 (that is to say):
- Tramway Number 1 Tramway Number 2 Tramway Number 3 Tramway Number 3A Tramway Number 3B Tramway Number 4 Tramway Number 6 (from the proposed junction therewith of Tramway Number 11B authorised by the Newcastle-upon-Tyne Improvement Act 1892 to the 40 termination of the said Tramway Number 6) and Tramway Number 7 Tramway Number 10 Tramway Number 11 Tramway Number 12 and Tramway Number 20.

A.D. 1895.

Newcastle-upon-Tyne Corporation.

may during a period of seven years after the passing of the Act confirming this Order and with the like consent during such further periods of seven years as the said Board may from time to time specify in any order to be signed by a secretary or an assistant secretary of the said Board be moved
 5 by haulage by means of cables or wire or other ropes placed underground and worked by stationary engine power.

6. The enactments byelaws and regulations for the time being in force relating to the use of steam or mechanical power upon the said tramways shall so far as they are applicable for the purpose extend and apply to the
 10 use on such tramways of the motive power by this Order authorised and in particular the provisions of section 18 (except the provision as to the use of animal power only on certain tramways and except as to the period within which mechanical power may be used) of sections 19 to 23 and of Schedule A. of the Newcastle-upon-Tyne Tramways Order 1879 (relating to motive
 15 power) shall so extend and apply and in construing the said sections and schedule for this purpose a reference to the said tramways shall be substituted for a reference to the North Road Tramways and the expression "mechanical power" shall mean the motive power by this Order authorised.

7. In addition to the requirements of section 26 of the Tramways Act
 20 1870 the Corporation before they commence to open or break up any road for the purpose of constructing any work in on or under the same for the laying or placing of any cable or rope under the powers of this Order shall lay before the Board of Trade a plan and section showing the proposed mode of construction of the said work and of the placing of the cable or rope and a
 25 statement of the materials to be used and the Corporation shall not commence the said work until such plan section and statement have been approved by the Board of Trade and the said work shall be constructed in all respects in accordance with the plan section and statement so approved.

8. For the protection of the North-eastern Railway Company (in this
 30 section called "the company") the following provisions shall at all times unless otherwise agreed between the company and the Corporation apply and have effect (that is to say):

(1.) In constructing and maintaining any excavations apparatus and works under the said tramways in order to lay use or maintain the said cables or
 35 wire or other ropes placed underground and worked by stationary engine power in any place where such tramways cross over any railway bridge carrying any road over the railway of the company the following provisions shall be in force and have effect and be binding upon the Corporation and their successors and assigns:

40 (a.) The Corporation shall not in any way alter or interfere with the structure of any such bridge or of the approaches thereto and they shall so construct lay and maintain such excavations apparatus and works over such bridge and the approaches thereto as not injuriously to affect the same.

Enactments
&c. applicable
to use of steam
power &c. to
be applicable
to use of
cables &c.

Plan &c. of
work to be
submitted for
approval of
Board of
Trade.

For the pro-
tection of the
North-eastern
Railway
Company.

A.D. 1895.

*Newcastle-
upon-Tyne
Corporation.*

- (b.) In the event of any injury being caused to any such bridge or approaches by the construction maintenance laying repairing user or removal of such excavations apparatus and works the company may at the expense of the Corporation restore such bridge or approaches or the part or parts thereof which may be so injured to as good a state and condition as they were in before such injury was occasioned, and the company may recover from the Corporation all moneys expended by them in or about such restoration with full costs and charges by all and the same means as any simple contract debt of like amount is recoverable. 5
- (c.) All works which may be necessary in constructing laying and maintaining any of the said excavations apparatus and works over any railway bridge works or other property of the company shall be constructed and maintained in all things at the expense of the Corporation and to the reasonable satisfaction of the engineer of the company or in case of difference of an engineer to be nominated as herein-after provided. 10
- (d.) All differences that may arise between the Corporation and the company touching anything to be done or the reasonableness of any charges or in any manner in connexion with this section shall be settled by an engineer to be nominated by the Board of Trade under section 33 of the Tramways Act 1870 and such lastly-mentioned section shall apply to all differences arising between the Corporation and the company touching all matters and things done or omitted to be done by either the Corporation or the company under the provisions of this section. 15 20 25

Power to take
lands by agree-
ment and erect
buildings &c.

9. The Corporation may from time to time for any of the purposes of their tramway undertaking acquire by agreement in addition to any lands they are now authorised to hold under any other power in that behalf any lands not exceeding in the whole five acres and may from time to time sell or dispose of any such lands which may not be necessary for such purposes and may on any lands so acquired and on any lands for the time being belonging to them erect offices buildings stables sheds carriage engine and boiler houses machinery appliances and other conveniences and either in connexion with or independently of buildings for other purposes but nothing in this section shall exempt the Corporation from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any such land. 30 35

Corporation
may borrow
moneys repaid
in thirty years.

10. The Corporation may under and according to the provisions contained in section 20 of the Tramways Act 1870 borrow for the purposes of this Order (in addition to any sum or sums of money they are already authorised to borrow) such sum or sums of money not exceeding in the whole one hundred and thirty thousand pounds as the Board of Trade may from time to time or at any time sanction and the time for which such several sums may be borrowed shall in each case not exceed thirty years from the respective dates of the borrowing of such moneys and in construing the said section for 40 45

the purpose of such borrowing the local rate shall be the improvement rate of the said city. A.D. 1895.

Newcastle-
upon-Tyne
Corporation.

Provided as follows:—

- 5 (1.) The repayment of all moneys borrowed under the powers of this Order shall be effected by equal yearly or half-yearly instalments of principal or of principal and interest;
 - (2.) The first instalment shall be paid within twelve months after the date of the borrowing of the money in respect of which such payment is to be made.
- 10 11. It shall not be lawful for the Corporation their lessees or any other company or person working or using the tramways to take or demand on Sunday or any bank or other public holiday any higher tolls or charges than those levied by them on ordinary week days. Provided that this section shall not during the subsistence of the respective leases herein-after mentioned
- 15 extend or apply to or in relation to any tramways of the Corporation the tolls and charges for the use of which are at the date of this Order by virtue of three several indentures of lease dated respectively the sixteenth day of October one thousand eight hundred and seventy-eight the second day of March one thousand eight hundred and eighty-one and the thirty-first day
- 20 of December one thousand eight hundred and eighty-one vested in the Newcastle and Gosforth Tramways and Carriage Company Limited for three several terms of years all of which will expire on the eleventh day of November one thousand eight hundred and ninety-nine.
12. Notwithstanding anything in this Order contained the Corporation
- 25 lessees and any person using the said tramways shall be subject and liable to the provisions of any general Act now in force or which may hereafter be passed during this or any future session of Parliament relating to tramways or by which any tax or duty may be granted or imposed for or in respect of tramways or the passengers or traffic conveyed thereon and to any future
- 30 revision or alteration under the authority of Parliament of the maximum rates of tolls or charges authorised to be charged in respect of the use of the said tramways or any of them and to any condition regulation or restriction which may be imposed upon the use of tramways or upon the use on tramways of animal power steam power or any mechanical power by any
- 35 such general Act as aforesaid. Saving for
general Acts.
13. The costs charges and expenses of applying for and obtaining this Costs of Order.
Order shall be paid by the Corporation.

A.D. 1895.

WIGAN AND DISTRICT.

*Wigan and
District.*

Order authorising the Wigan and District Tramways Company to construct additional Tramways in the County Borough of Wigan and Districts adjoining thereto.

Short title.

1. This Order may be cited as the Wigan and District Tramways Order 5
1895.

Incorporation
of Acts.

2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the Promoters of the undertaking) and of the Tramways Act 1870 are hereby incorporated with this Order except where 10
the same are inconsistent with or expressly varied by this Order.

Interpretation.

3. The several words terms and expressions to which by the Acts in whole or in part incorporated with this Order meanings are assigned have in this Order the same respective meanings :—

Provided that in this Order—

15

The expression “the Order of 1879” shall mean the Wigan Tramways Order of 1879 ;

The expression “the Order of 1884” shall mean the Wigan Corporation Tramways Order 1884 ;

The expression “the Act of 1893” shall mean the Wigan Corporation Act 20
1893 ;

The expression “the tramways” shall mean the tramways and works by this Order authorised ;

The expression “the undertaking” shall mean the undertaking authorised by this Order ;

25

The expression “the corporation” shall mean the mayor aldermen and burgesses of the county borough of Wigan in the county palatine of Lancaster acting by the council ; and

The expression “the borough” shall mean the said county borough of Wigan.

30

The Promoters.

4. The Wigan and District Tramways Company Limited shall be the Promoters for the purposes of this Order and are in this Order referred to as “the Promoters.”

Lands by
agreement.

5. The Promoters may by agreement from time to time purchase take on lease and acquire for the purposes of the undertaking such lands as they may 35
require and may from time to time sell let or dispose of any such lands which may not be necessary for such purposes: Provided that they shall not at any time hold for such purposes more than one acre of land in addition to the lands which they were authorised to hold prior to the date of this Order but nothing in this Order shall exonerate the Promoters from any indictment 40
action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon lands taken under the powers of this section.

A.D. 1895.

Wigan and District.

Construction of tramways.

6. The Promoters may construct and maintain subject to the provisions of this Order and in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order (in this Order referred to respectively as "the deposited plans" and "the deposited sections") the tramways herein-after described with all proper rails plates channels junctions turntables turnouts crossings passing places offices stables carriage engine boiler and dynamo houses waiting rooms sheds buildings works carriages harness tramway plant appliances machinery and conveniences connected therewith or for the purposes thereof.

10 The tramways authorised by this Order will be situate wholly in the parish of Wigan in the county of Lancaster and are:—

Tramway No. 1 (a single line 18 chains in length) situate in the townships of Hindley and Ince-in-Makerfield commencing in the township of Hindley in Walthew Lane by a junction with Tramway No. 1 authorised by the Act of 1893 at its terminus proceeding thence in a southerly direction along Walthew Lane and Warrington Road and terminating in the township of Ince-in-Makerfield at a point .68 of a chain north of the junction of Lilly Lane with Warrington Road.

20 Tramway No. 2 (a single line 2.27 chains in length) wholly situate in the township of Ince-in-Makerfield commencing in Warrington Road by a junction with Tramway No. 1 at its terminus and proceeding thence to and terminating in Lilly Lane at a point two chains west of its junction with Warrington Road.

25 Tramway No. 4 (a single line 1 furlong 3.82 chains in length) wholly situate in the township of Wigan commencing in the borough by a junction with Tramway No. 7 authorised by the Act of 1893 at a point 0.32 of a chain south-west of the centre of Library Street proceeding thence across Rodney Street and along Library Street thence along a proposed new road to the Market Place and terminating in the Market Place by a junction with Tramway No. 3 authorised by the Order of 30 1879 at a point 2.82 chains from its terminus.

Provided always that the Promoters shall not make form or lay down or open for public traffic any part of Tramway No. 1 in Warrington Road within the urban district of Ince-in-Makerfield between the point 2.04 chains south of Foggs Lane and the point 10.72 chains south of Foggs Lane until such road shall have been widened to the clear width of not less than 40 feet.

7. In addition to the requirements of section 26 of the Tramways Act 1870 the Promoters shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing laying down maintaining or renewing any of the tramways lay before the Board of Trade and the road authority a plan showing the proposed mode of constructing laying down maintaining and renewing such tramways and a statement of the materials intended to be used therein and the Promoters shall not commence the construction laying down maintenance or renewal of

Provisions as to construction of tramways.

A.D. 1895. any of the tramways or part of any of the tramways respectively except for the purpose of necessary repairs until such plan and statement have been approved by the Board of Trade and the road authority and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority as provided by section 26 of the said Act. 5

Wigan and District.

As to rails of tramways.

8. The rails of the tramways shall be such as the Board of Trade may approve and the Board of Trade may from time to time, upon the application of the road authority of any district in which the tramways or any portion thereof are or is situate require the Promoters to adopt and apply such improvements in the tramways within such district including the rails thereof as experience may from time to time suggest having regard to the greater security of the public and advantage to the ordinary traffic and the Promoters shall with all reasonable despatch comply with any order made by the Board of Trade for the purpose of carrying out any such improvements. 15

Penalty for not maintaining rails and roads in good condition.

9. The Promoters shall at all times maintain and keep in good condition and repair to the satisfaction of the road authority and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways by this Order authorised and the substructure upon which the same rest and if the Promoters at any time make default in complying with this provision or with any of the requirements of section 28 of the Tramways Act 1870 they shall for every such offence be subject on information laid or complaint made to a penalty not exceeding five pounds and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues and such penalty may be recovered as by section 56 of the said Act is provided. In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of such district that the Promoters have made any such default as aforesaid the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Promoters to such penalty or penalties in respect thereof as is or are by this section imposed. 35

Byelaws.

10. Subject to the provisions of this Order the Board of Trade may in the event of steam or any mechanical power being about to be used on any of the tramways under the authority of section 28 of the Order of 1884 as incorporated in this Order from time to time make and when made may rescind annul or add to byelaws with regard to any of the tramways for all or any of the following purposes (that is to say):— 40

For regulating the use of the bell whistle or other warning apparatus fixed to the engine;

For regulating the emission of smoke or steam from engines used in working the tramways; A.D. 1895.

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses *Wigan and District.*

5 being frightened or of impending danger as the Board of Trade may deem proper for securing safety;

10 For regulating the entrance, to exit from and accommodation in the carriages used on the tramways and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages;

For limiting the number of carriages for the conveyance of animals, goods minerals and parcels to be drawn or propelled together by steam or any mechanical power and the hours during which such carriages shall be used on such tramways;

15 For providing that such tramways and the engines and carriages used thereon shall at all reasonable times be open to the inspection of inspectors appointed by the corporation the urban district council of Ince-in-Makerfield and the urban district council of Hindley respectively and each of such inspectors shall have power with the sanction of the local authority appointing him to institute proceedings for offences committed against the Tramways Act 1870 or this Act or any byelaws or regulations made thereunder;

20 For providing for the due publicity of all regulations and byelaws in force for the time being in relation to the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere.

25 Any person offending against or committing a breach of any of the bye-laws made by the Board of Trade under the authority of this Order shall be liable to a penalty not exceeding forty shillings.

30 11. The Promoters may subject to the provisions of this Order from time to time enter into and carry into effect agreements with any road authority with respect to the alteration of the widths or levels of any road along which any of the tramways are laid and with respect to the construction maintaining removing renewing repairing and using of the tramways situate within the district of such road authority and the rails plates sleepers and works connected therewith and the facilitating the working of the traffic over the same. Agreements between Promoters and authorities.

12. For the protection of the corporation the following provisions shall apply and have effect unless otherwise agreed between the corporation and the Promoters :— For protection of the corporation.

40 (1.) If the corporation shall give notice in writing to the Promoters before the Promoters commence to construct Tramway No. 4 by this Order authorised stating that the corporation desire to substitute themselves for the Promoters as the Promoters of the said tramway the tramway shall thereupon become vested in the corporation and the corporation shall forthwith construct such tramway and shall grant a lease thereof to (Corporation may be substituted as Promoters of Tramway No. 4.)

45

- A.D. 1895.
 Wigan and District.
 (Lease by corporation to company.)
- the Promoters on the same terms and conditions as have been arranged for Tramways Nos. 1 2 and 3 authorised by the Act of 1893.
- (2.) The Promoters agree to accept a lease on the same terms and subject to the same conditions as have been arranged for Tramways Nos. 1 2 and 3 authorised by the Act of 1893 of the Tramway No. 7 authorised by the 5 Act of 1893 to be constructed by the corporation and so much of Tramway No. 14 authorised by the Order of 1884 to be constructed by the corporation as lies between 60 of a chain measured in a westerly direction from the south-west corner of the Horse Shoe Hotel and its termination by a junction with Tramway No. 3 authorised by the 10 Order of 1879.
- (Widening of Station Road.) (3.) Before the last-mentioned tramway is constructed along Station Road the said road shall be widened at the corner nearest to Rodney Street and the cost of such widening shall be deemed to form part of the cost of constructing such tramway. 15
- (Route.) (4.) The tramway engines and cars shall only be allowed to run in one direction so that in proceeding from Rodney Street to the Market Place they shall proceed up Library Street and return along Station Road or they shall proceed by Station Road and return along Library Street at the election of the Promoters but whichever route is adopted it shall not 20 be altered without the consent of the corporation.
- (Concurrent termination of leases.) (5.) The term of the lease of the existing tramways from Pemberton to Wigan and from Wigan to Ince and Hindley shall be extended so that such lease and the proposed lease of the Tramways Nos. 1 2 3 and 7 authorised by the Act of 1893 and the Tramway No. 14 authorised by the Order of 25 1884 and of the Tramway No. 4 authorised by this Order shall terminate on the 1st of January 1916.
- (As to use of triangles.) (6.) (a.) The existing triangle in the Market Place Wigan shall not be used by more than four engines in any one hour. 30
 (b.) The existing triangle in King Street and Chapel Lane Wigan shall not be used after the Tramway No. 4 authorised by this Order shall have been constructed.
- For protection of the urban district council of Hindley. 13. For the protection of the urban district council of Hindley (in this section called "the district council") the following provisions shall have effect unless otherwise agreed between the Promoters and the district council 35 and the expression "the tramway" in this section means so much of Tramway No. 1 by this Order authorised as is situate within the urban district of Hindley.
- (Widening of Walthew Lane.) (1.) (a.) Before the construction of the tramway the portions of Walthew Lane situate between a point 8 yards south of the corner of the Platt 40 Bridge Hotel and a point opposite the north side of the Post Office shall be altered and widened on the west side of Walthew Lane by the addition to the road of a strip of land 4 yards in depth which strip of land at present forms a portion of the site of gardens projecting beyond the front line of the Post Office. Provided that the cost of acquiring such strip of 45 land shall be borne by the Promoters but the district council shall at

their own expense set back the fence of such gardens and make the necessary alterations in the road. A.D. 1895.

*Wigan and
District.*

5 (b.) Before the construction of the tramway the portion of Walthew Lane situate between points 7 yards and 28½ yards south-west of Elm Street shall be widened on the south-east side of Welthaw Lane by the addition to the road at the expense of the Promoters of the land at present forming the site of the gardens between those points. Provided that the cost of acquiring such site shall be borne by the Promoters but the district council shall at their own expense set back the curb on the south-east side of the road not less than one foot.

10 (2) The Promoters and their lessees shall not without the consent of the district council work the tramway by electricity steam or any other mechanical power nor shall they without such consent erect place and maintain works engines machinery dynamos and apparatus for the production storage and supply of electricity or other power nor lay down and construct mains wires pipes conductors apparatus and things necessary or proper for the transmission of electricity or other power and the working of the intended tramways or any of them by electricity or other power. (Consent of district council to use of mechanical power.)

20 (3.) Notwithstanding anything in this Order contained the Promoters shall not without the consent of the district council stop up break up alter remove cross or interfere with temporarily or permanently public or private streets highways footways tramways sewers drains gas water and electricity mains valves hydrants pipes tubes or street boxes or telegraph telephone electric lighting or other apparatus. (Consent of district council to stopping up streets &c.)

25 (4.) The length and width of the carriages to be used on the tramways shall not exceed those now in use upon the Wigan and Hindley Tramway. (As to size of carriages.)

30 (5.) (a.) The road between the rails of the tramway shall be paved for the whole length thereof with the best Newry Bessbrook or Dalbeattie setts or other setts to be approved of by the district council and the roadway for 18 inches in width on each side of the tramway shall be paved for the whole length thereof with setts similar in all respects to those with which Walthew Lane shall for the time being be paved and the paving on each side of the tramway shall be properly toothed in with broken joints with the existing pavements. (Paving of road.)

35 (b.) The paving setts taken from the roads within the district of Hindley when the tramway shall be constructed shall be the property of the district council and may be removed by them as they may think proper.

40 14. The following sections and schedule of the Order of 1884 (that is to say):— Incorporation of sections of Order of 1884.

Section 8 (gauge of tramways):

Section 12 (local authority to have access to sewers):

45 Section 14 (tramways to be kept on a level with surface of road):

Section 15 (additional crossings &c. may be made where necessary):

Section 16 (temporary tramways may be made where necessary):

[321.]

F

A.D. 1895.

*Wigan and
District.*

Section 17 (application of road materials excavated in construction of works):

Section 18. (tramways not to be opened until certified by Board of Trade):

Section 28. (carriages may be moved by animal steam or mechanical power):

5

Section 29 (penalty for using steam or mechanical power contrary to order or regulations):

Section 31 (as to recovery of penalties):

Section 32 (amendment of the Tramways Act 1870 as to byelaws by local authority):

10

Section 33. (orders and byelaws to be signed &c.):

Section 34 (as to contracts with road authorities where steam or mechanical power is to be used):

Section 36 (where steam or mechanical power is used contract with road authority not to be for longer than two years at a time):

15

Section 39 (form and delivery of notices):

Section 44 (saving for general Acts):

Schedule (regulations as to use of mechanical power):

shall so far as the same are applicable in that behalf and are not inconsistent with the provisions of this Order extend and apply mutatis mutandis to and in relation to the tramways by this Order authorised and in construing the said sections the expression "mechanical power" shall for the purposes of this Order include cable power and electrical power carried with the carriages but shall not include any other mode of electrical traction.

20

For purposes of traffic and tolls tramways to form part of tramways authorised by Order of 1879.

15. The tramways authorised by this Order shall for the purposes of traffic upon the same and of tolls rates and charges be deemed to form part of the tramways authorised by the Order of 1879 and sections 26 to 32 both inclusive of the Order of 1879 and the schedule to the said Order annexed shall so far as the same are applicable apply to the tramways authorised by this Order in like manner in every respect as if the tramways by this Order authorised formed part of the tramways authorised by the Order of 1879.

25

30

As to fares on Sundays or holidays.

16. It shall not be lawful for the Promoters or any company or person working or using the tramways of the Promoters to take or demand on Sunday or on any bank or other public holiday any higher tolls or charges than those levied by them on ordinary week days.

35

Provisions as to arbitration.

17. Section 33 of the Order of 1879 and section 38 of the Order of 1884 are hereby repealed and the following provisions shall apply and have effect in lieu thereof: Where under the provisions of the Tramways Act 1870 and this Order or the Order of 1879 or the Order of 1884 or under the provisions as to tramways of the Act of 1893 any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Arbitration Act 1889 shall except where otherwise specially provided apply to every such arbitration and the decision of the arbitrator shall be final and conclusive and binding on all parties and the costs of and incidental to the arbitration and award shall if either party so require be taxed and settled as between the parties by any one of the taxing masters of the High

40

45

Court and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters and all those enactments including the enactments relating to the taking of fees by means of stamps shall extend to the

A.D. 1895.

Wigan and
District.

5 fees in respect of the said taxation.

Tramways Provisional Orders (No. 2). [H.L.]

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act 1870 relating to Hartlepool Tramways Hartlepool Electric Tramways Newcastle-upon-Tyne Corporation Tramways and Wigan and District Tramways.

(Brought from the Lords 21 June 1895.)

*Ordered, by The House of Commons, to be Printed,
21 June 1895.*

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90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & CO., LIMITED, 104, Grafton Street, Dublin.

[Price 4½d.]

[Bill 321.]

A
B I L L

TO

Amend the Truck Acts.

A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

5 **1.**—(1.) A contract made by a workman with his employer for any deduction from the gross sum contracted to be paid by the employer to the workman, or for any payment by the workman to the employer, for or in respect of fines, or for or in respect of materials, the use of tools or machines, standing room, light, heat,
10 or any other matter or thing to be done or provided by the employer in relation to the work or labour of the workman, shall be illegal, null, and void unless—

Amendment
of law as to
payment of
wages.

(a) the contract is evidenced by a memorandum in writing signed by the workman; and

15 (b) the deduction or charge authorised by the contract is reasonable having regard to all the circumstances of the case.

(2.) Any such deduction or payment, and any claim defence, set-off, or counterclaim by the employer in respect of any such contract, shall not be lawful, unless particulars in writing, showing the
20 nature and items of the deduction or payment made, are supplied to the workman on each occasion when the deduction or payment is made.

Saving as to
contracts and
payments
illegal under
existing Acts.
1 & 2 Will. 4.
c. 37.
50 & 51 Vict.
c. 46.
37 & 38 Vict.
c. 48.

25 **2.** Nothing in this Act shall make lawful any contract or payment which is illegal under the 'Truck Acts, 1831 and 1887, or under the Hosiery Manufacture (Wages) Act, 1874.

3. This Act shall come into operation at the expiration of *two months* from the *passing thereof*.

Commence-
ment of Act.
Short title
and cen-
struction.

30 **4.** This Act may be cited as the Truck Act, 1895; and the Truck Acts, 1831 and 1887, and this Act, may be cited collectively as the Truck Acts, 1831 to 1895, and shall be construed together as one Act, and all the provisions of the Truck Acts, 1831 and 1887, including the penal provisions, shall apply accordingly.

[Bill 154.]

Truck Acts Amendment.

A

B I L L

To amend the Truck Acts.

(*Prepared and brought in by
Mr. Secretary Asquith and Mr. George Russell.*)

*Ordered by The House of Commons, to be Printed,
1 March 1895.*

PRINTED BY EYRE AND SPOTTISWOODE.
PRINTERS TO HER MAJESTY.

And to be purchased, either directly or through any Bookseller, from
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30, West Nile Street, Glasgow; or
HODGES, FIGGERS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price 1s. 6d.*]

[Bill 154.]

A
B I L L

TO

Amend the Trustee Act, 1893, in regard to the Investment of Trust and other Funds. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- | | | |
|----|---|----------------------------------|
| 5 | 1. This Act may be cited as the Trustee Act, 1895. | Short title. |
| | 2. This Act shall only extend to England and Wales. | Extent of Act. |
| 10 | 3. This Act shall be read as one with the Trustee Act, 1893, so far as that Act relates to England and Wales, and the terms and expressions to which meanings are assigned by that Act shall, so far as applicable, have the same respective meanings in this Act. | Construction and interpretation. |
| 15 | 4. It shall be lawful for a trustee, unless expressly forbidden by the instrument (if any) creating the trust, to invest any trust funds in his hands in mortgages, debentures, or debenture stock granted or issued, or to be granted or issued, by any municipal corporation, and charged upon the funds or rates of, or leviable by or on the authority of such corporation, and with or without any other security. | Further authorised investments. |

Trustee Act (1893) Amendment.

A

B I L L

To amend the Trustee Act, 1893, in regard to the Investment of Trust and other Funds.

(Prepared and brought in by
Sir Albert Rollit, Mr. Hanbury, Sir John Leng,
Mr. Whiteley, and Sir Thomas Roe.)

*Ordered, by The House of Commons, to be Printed,
12 February 1895.*

PRINTED BY EYRE AND SPOTTISWOODE,
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90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price 3d.*]

[Bill 100.]

Trusts Administration Bill.

ARRANGEMENT OF CLAUSES,

Clause.

1. Power of court on application to appoint judicial trustee.
 2. Court to exercise jurisdiction.
 3. Audit of accounts of judicial trustees.
 4. Excusing and authorising breach of trust.
 5. Trustee in 24 & 25 Vict. c. 96. s. 80 to include a trustee under a parol trust.
 6. Rules.
 7. Definitions.
 8. Short title, extent and commencement of Act.
-

A

B I L L

TO

Provide for the Appointment of Judicial Trustees and otherwise to amend the Law respecting the Administration of Trusts and the Liability of Trustees. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

5 **1.**—(1.) Where application is made to the court as respects the trust of any property by or on behalf of the person creating or intending to create the trust, or of a trustee, or beneficiary, the court may, in its discretion, appoint a judicial trustee of such trust, either jointly with any other judicial trustee or any other person
10 or persons or as sole trustee, and, if sufficient cause is shown, in place of any existing trustee.

Power of court on application to appoint judicial trustee.

(2.) The administration of the property of a deceased person, whether a testator or intestate, shall be a trust, and the executor or administrator a trustee, within the meaning of this section; and
15 where a judicial trustee is appointed in respect of the property of a deceased person the court may vest the property in the judicial trustee.

(3.) A judicial trustee may be either an official of the court or any other person, and in either case shall be subject to the
20 control and supervision of the court as an officer thereof.

(4.) The court may, either on request or without request, give to a judicial trustee any general or special directions in regard to the trust or the administration thereof.

A.D. 1895.

(5.) There may be paid to a judicial trustee such remuneration, not exceeding the prescribed limits, as the court assign in each case, subject to any rules under this Act respecting the application of such remuneration where the judicial trustee is an official of the court, and the remuneration so assigned to any judicial trustee shall, save as the court for special reasons otherwise order, cover all his work and personal outlay. 5

(6.) A judicial trustee who is an official of the court may obtain letters of administration without giving the bond required from an administrator. 10

Court to
exercise
jurisdiction.

2. The jurisdiction of the court under this Act may be exercised by the High Court, and (subject to the prescribed definition of the jurisdiction) by any county court judge to whom such jurisdiction may be assigned under this Act.

Audit of
accounts of
judicial
trustees.

3.—(1.) Once at least in every year the accounts of every judicial trustee shall be audited and a report thereon made to the court by the prescribed persons and in the prescribed manner, and any payment out of the property of the trust which has not been sanctioned by the court, shall on such audit be disallowed and a report made to the court on such disallowance. 15 20

(2.) The amount of any payment so disallowed shall, unless the court otherwise orders, be re-paid to the trust by the judicial trustee, without prejudice to his legal right (if any) to recover the same from any other person, and the prescribed proceedings shall be taken for enforcing that re-payment. 25

(3.) In any case where the court so directs, an inquiry into the administration by a judicial trustee of any trust, or into any dealing or transaction of a judicial trustee shall be made, and a report thereon made to the court by the prescribed persons and in the prescribed manner. 30

(4.) Rules under this Act shall provide for carrying into effect this section.

(5.) *The expenses of carrying this section into effect shall be paid out of moneys provided by Parliament.*

Excusing and
authorising
breach of
trust.

4.—(1.) If it appears to the court that a trustee, whether appointed under this Act or not, is or may be personally liable for any breach of trust, but has acted honestly and reasonably and with the intention of carrying his trust into effect, and ought fairly to be excused for the breach of trust and for omitting to obtain the directions of the court in the matter in which he committed such breach, then the court may relieve the trustee either wholly or partly from personal liability for the same. 35 40

(2.) The court may authorise a departure from the terms of a trust, where satisfied that since the creation thereof there has been a change of circumstances, and that such departure will not prejudice any of the persons beneficially interested in the trust, and is for the benefit of those persons or some of them, and generally that it is expedient to authorise the same. A.D. 1895.

5 5. For the purposes of section eighty of the Larceny Act, 1861 (which punishes a trustee for converting or appropriating to his own use or the use of another person, or disposing of or destroying, any trust property), the term "trustee" shall include a trustee under any parol trust, if it be proved that he knew that he was in fact a trustee. Trustee in
24 & 25 Vict.
c. 96. s. 80
to include a
trustee under
a parol trust.

6.—(1.) Rules may be made for carrying into effect this Act, and especially— Rules.

- 15 (1) for requiring judicial trustees, who are not officials of the court, to give security for the due application of any trust property under their control :
- (2) respecting the safety of the trust property, and the custody thereof where practicable by the court :
- 20 (3) respecting the remuneration of judicial trustees and for fixing and regulating the fees to be taken under this Act so as to cover the expenses of the administration of this Act, and respecting the payment of such remuneration and fees out of the trust property :
- 25 (4) for dispensing with formal proof of facts in proper cases :
- (5) for facilitating the discharge by the court of administrative duties under this Act without judicial proceedings, and otherwise regulating procedure under this Act and making it simple and inexpensive :
- 30 (6) for assigning jurisdiction under this Act to county court judges and defining such jurisdiction :
- (7) respecting the suspension or removal of any judicial trustee, and the succession of another person to the office of any judicial trustee who may cease to hold office, and the vesting in such person of any trust property or executorship :
- 35 (8) respecting the classes of trusts in which officials of the court are not to be judicial trustees, or are to be so temporarily or conditionally :
- 40 (9) respecting the grant of probate or letters of administration to judicial trustees :

A.D. 1895. (10) for preventing the employment by judicial trustees of other persons at the expense of the trust, except in cases of strict necessity.

(2.) The rules under this Act may be made by the Lord Chancellor, with the concurrence of the Treasury, and shall be laid 5 before Parliament and have the same force as if enacted in this Act, provided that if within thirty days after such rules have been laid before either House of Parliament, during which that House has sat, the House presents to Her Majesty an address against such rules or any of them, such rules or the rule specified in the address 10 shall thenceforward be of no effect.

Definitions.

7. In this Act—

The expression “official of the court” means the holder of such paid office in or connected with the court as may be prescribed.

The expression “prescribed” means prescribed by rules under 15 this Act.

Short title,
extent
and com-
mencement
of Act.

8.—(1.) This Act may be cited as the Trusts Act, 1895.

(2.) This Act shall not extend to Scotland or Ireland.

(3.) This Act shall come into operation on the *first day of January one thousand eight hundred and ninety-six.*

Trusts Administration.

A

B I L L

To provide for the Appointment of
Judicial Trustees and otherwise to
amend the Law respecting the
Administration of Trusts and the
Liability of Trustees.

(Prepared and brought in by
*Mr. Attorney-General, Mr. Chancellor of the
Exchequer, and Mr. Solicitor-General.*)

Ordered, by The House of Commons, to be Printed,
13 June 1895.

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90, West Nile Street, Glasgow; or
HODGKINS, FIEGIS, & CO., LIMITED, 104, Grafton Street, Dublin.

[*Price 1d.*]]

[Bill 311.]

Volunteers (Military Service) Bill.

MEMORANDUM.

The objects of this Bill are to enable the Secretary of State :—

- (1) to call out any specified part of a volunteer corps when any contingency arises in which he may now, under the Volunteer Act, 1863, call out the whole corps ; and
- (2) to accept, when an order embodying the militia is in force under section 18 of the Militia Act, 1882, the services of any members of the volunteer force who signify their willingness to be called out under such circumstances.

The former provision was recommended by the Select Committee of the House of Commons, 1894 ; the latter does not go so far as the recommendation of the Committee, but has been adopted as calculated to disturb to as slight a degree as possible the conditions under which volunteers now serve the State, whilst at the same time enabling the Secretary of State to avail himself of the services of those volunteers who willingly offer them.

An order embodying the militia may be made in case of imminent national danger or of great emergency (45 & 46 Vict. c. 49. s. 18. Compare 45 & 46 Vict. c. 48. s. 12). The order made is for “ the embodiment of the militia,” although all the militia need not be called out.

A volunteer corps may be called out only in case of actual or apprehended invasion of any part of the United Kingdom (26 & 27 Vict. c. 65. s. 17).

A

B I L L

TO

Amend the Law as to the Calling out of Volunteers for actual Military Service. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 **1.** Sections seventeen to twenty of the Volunteer Act, 1863, shall apply in the case of any part of a volunteer corps in like manner as they apply in the case of a whole volunteer corps. Amendment of 26 & 27 Vict. c. 65, ss. 17-20, as to calling out of volunteers
- 10 **2.** Whenever an order for the embodiment of the militia is in force, any member of a volunteer corps may offer himself for actual military service ; and, if the services of such number of members of any corps as in the opinion of the Secretary of State is sufficient to enable them to be separately organised are accepted, then those members may be called out, either as a corps, or as part of a corps, and this Act and sections seventeen to twenty of the
- 15 Volunteer Act, 1863, shall apply accordingly. Service of volunteers in cases of emergency. 26 & 27 Vict. c. 65.
- 3.** This Act may be cited as the Volunteer Act, 1895. Short title.

Volunteers (Military Service).

A

B I L L

To amend the Law as to the Calling out of Volunteers for actual Military Service.

(Prepared and brought in by
Mr. Secretary Campbell Bannerman and
Mr. Woodall.)

*Ordered, by The House of Commons, to be Printed,
27 May 1895.*

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90, West Nile Street, Glasgow; or
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[Price 1d.]

[Bill 281.]

Waterford Infirmary (No. 2) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Establishment of infirmary.
2. Board. Ex-officio governors. Election of governors by donors and subscribers. Governors appointed by grand juries.
3. Governors to be a body corporate.
4. Presentments by grand juries.
5. Powers of board.
6. Meetings of board.
7. Call of special general meeting.
8. Seven governors to be a quorum.
9. The master to be chairman at meetings of the board.
10. Powers to adjourn meetings of the board.
11. Notice of meeting to be given.
12. Notice of adjourned meeting.
13. Books containing entries of proceedings to be kept.
14. Secretary to keep accounts.
15. Auditors to be appointed.
16. Votes of donors and subscribers as on election of governors.
17. Who ineligible as auditor.
18. Casual vacancy.
19. Committee of management.
20. Delegation of powers of the board.
21. Meeting of committee of management.
22. Procedure at meetings of committee of management.
23. Committee of management may sue and be sued.
24. Medical staff and matron to be retained.
25. Election of medical officers.
26. Power to remove medical officers and supply vacancies.
- 27.
28. The master to continue in office.

Clause.

29. Vacancy in office of master.
 30. Removal of governors, &c. by the court.
 31. Vesting of the property.
 32. Appointment of a receiver.
 33. First receiver.
 34. Power to make leases.
 35. Leases subject to approval of court.
 36. Admission of patients.
 37. Nominations of patients by donors and subscribers.
 38. Inmates of leper hospital.
 39. Extern relief.
 40. Rules as to extern relief to be made by the board or committee of management.
 41. Paying patients.
 42. Appointment of matrons, nurses, servants, &c.
 43. Nursing staff.
 44. Present system of employing only secular nurses to be continued.
 45. Board to provide all requisites for infirmary.
 46. Alterations in buildings.
 47. Payments.
 48. Insurance of buildings.
 49. Salaries, &c. to be paid out of the funds of the infirmary.
 50. Alteration of certain provisions of the Act by the court.
 51. Applications to the court.
 52. Notice to be served.
 53. Appointed day.
 54. Definitions.
 55. Short title.
-

A

B I L L

FOR

The Establishment of a Public Infirmary for the County of Waterford and the County of the City of Waterford, and for appropriating the Leper Hospital of Saint Stephen's for the purposes thereof, and for other purposes connected therewith.

A.D. 1895.

WHEREAS by an Act passed in the Parliament of Ireland in the fifth year of the reign of His Majesty King George the Third, intituled an "Act for erecting and establishing Public Infirmaries or Hospitals in Ireland," it is enacted that receptacles
5 be founded for the poor who are infirm and diseased, in the several counties and in the manner therein mentioned:

And whereas the county of Waterford was not provided for by the said Act:

And whereas by an Act passed in the forty-seventh year of the
10 reign of His Majesty King George the Third it is enacted that all the provisions contained in the said last-mentioned Act for erecting, establishing, and supporting public infirmaries or hospitals in counties, shall be extended and construed to extend to all counties of cities and counties of towns in Ireland for the erecting
15 and establishing of a public infirmary or hospital wherein no special provision had been made by any Act or Acts of Parliament in force in Ireland at the time of the passing of the said Act of the forty-seventh year of the reign of His Majesty King George the Third:

20 And whereas within the county of the city of Waterford no infirmary or hospital has been erected or established under the said Acts:

And whereas the county of Waterford and the county of the city of Waterford stand greatly in need of an infirmary or hospital
25 maintained and supported and established as those of the counties and cities have been:

[Bill 177.]

A

A.D. 1895.

And whereas under a charter of His Majesty King John, and a scheme settled by the Court of Chancery in Ireland, there has been established at John's Hill, in the city of Waterford, an hospital known and called by the name of the Leper Hospital of Saint Stephen's, all the property and management of which are 5 vested in certain persons called the Master, Brethren, and Sisters of the Leper House of Saint Stephen's in the city of Waterford, and commonly known as the trustees of the Leper Hospital, Waterford :

And whereas the said Master, Brethren, and Sisters have found 10 that the support of the said hospital has occasioned considerable expense, and that the funds and property thereof are not sufficient for its proper support, and that it will be beneficial to apply the funds and property vested in the said Master, Brethren, and Sisters for the support and maintenance of the said hospital towards the 15 establishment, support, and maintenance of a general infirmary for the county of Waterford and the county of the city of Waterford :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and 20 Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Establish-
ment of
infirmary.

1. The building known and called by the name of the Leper Hospital of Saint Stephen's, situate at John's Hill in the city of Waterford, shall as from the appointed day become and be deemed 25 and considered the public general infirmary for the county of Waterford and the county of the city of Waterford which shall be regulated by and subject to the provisions of this Act.

Board.

2. There shall be constituted for the purposes of this Act a board of governors in manner following :— 30

Ex-officio
governors.

(1.) The person who shall be the master of the said Leper Hospital of Saint Stephen's at the appointed day, and the master of the said infirmary to be appointed as herein-after provided, the Roman Catholic bishop of the diocese of Waterford and Lismore, the Protestant bishop of the united 35 diocese of Cashel and Emly, Waterford and Lismore, the Protestant and Roman Catholic incumbent or principal clergyman of each parish within the city of Waterford, the mayor of Waterford, the high sheriff of the county of the city of Waterford, the high sheriff of the county of Waterford, and 40 the members of Parliament for Waterford city and Waterford

county, all for the time being shall be the governors of the said infirmary and members of the board. A.D. 1895.

- (2.) On the first *Friday* in *March* next after the passing of this Act, and on the first *Friday* in *March* in every subsequent year, or as soon thereafter as conveniently may be (not exceeding thirty days from such date), the persons who at the time shall be donors for the support of the said infirmary of sums not less than *twenty guineas*, and such persons as shall have been subscribers of the sum of *three guineas* at least for the support of the said infirmary in the year ending on the *twenty-eighth day of February* immediately preceding, shall elect from amongst such donors and subscribers additional governors in the proportion of one governor for every full sum of *fifty pounds* of income derived from such subscriptions of *three guineas* and from such donations of *twenty guineas* in the year ending the *first day of March* immediately preceding the date of such election to be additional governors of the said infirmary and members of the board until the first *Friday* of *March* following. In interpreting this section for the purpose of computing the income from donations, each donation of *twenty-one pounds* is to be considered as bearing an annual income of *three guineas* during the donor's life, and no person shall be deemed a subscriber unless his subscription shall have been paid on or before the said *twenty-eighth day of February* immediately preceding.
- (3.) At every such election a donor of the sum of *twenty guineas* or more for such support may give one vote and no more for each or any number of persons not exceeding the number to be elected for each sum of *twenty guineas* of which he shall be the donor, and a subscriber of the sum of *three guineas* or more for such support in the year ending on the *twenty-eighth day of February* immediately preceding the date of such election may give one vote and no more for each of any number of persons not exceeding the number to be elected in respect of each sum of *three guineas* so subscribed by him.
- (4.) The grand jury of the county of Waterford, and the grand jury of the county of the city of Waterford, may at each assizes after the *passing of this Act* elect from amongst themselves one person in respect of each sum of *fifty pounds* presented by such grand jury at such assizes for the support of the said infirmary to be a governor thereof and a member of the board until the last day of the following assizes.

Election of governors by donors and subscribers.

Governors appointed by grand juries.

A.D. 1895.

- (5.) There shall be *five* additional governors of the infirmary and members of the board, who shall be appointed to and retain their offices for their respective lives or until they resign or be removed in the manner herein-after provided. The said governors shall be known and called by the name of the 5
“non-official governors.”
- (6.) The first non-official governors shall be Henry Denny, of John’s Hill, in the city of Waterford, Esquire; William Henry Fennessy, of John’s Hill aforesaid, Esquire; Edward Jacob, of Tramore, in the county of Waterford, Esquire; 10
John Hawtry Jones, of Mullinabro, in the county of Kilkenny, Esquire; Very Reverend Dean Morgan, of The Deanery, Waterford, See of Waterford; John Newsom White, of Rocklands, Waterford, Esquire, J.P.; William Goff Davis Goff, of Glenville, Waterford, Esquire, J.P.; Patrick W. 15
Keily, of Upton Newtown, Waterford, Esquire.
- (7.) It shall be lawful for the said non-official governors and their successors, by a writing under the hands of the majority of them, duly attested by a credible witness and lodged with the secretary of the board, to nominate a person who on the 20
death, resignation, or removal of such a governor shall succeed to the office.
- (8.) Whenever by death, registration, or removal, any person shall cease to be a non-official governor and his successor has not been nominated within *three months* thereafter according 25
to the provisions in that behalf lastly herein-before contained, the board shall elect a person in his stead to be a non-official governor to the infirmary and member of the board.

Governors
to be a body
corporate.

3. The governors hereby appointed and to be hereafter appointed as aforesaid shall be a body corporate, and shall have 30
perpetual succession and a common seal, and shall be called “the Governors of the General Infirmary of the county of Waterford and the county of the city of Waterford,” and shall be entitled to sue and be sued in that name, and to hold any lands, tenement, and hereditaments whatever. 35

Present-
ments by
grand juries.

4. It shall be lawful for the grand jury of the county of Waterford at each assizes after the *passing of this Act*, to present, to be raised off the said county of Waterford, a sum not exceeding *four hundred pounds*, and it shall be lawful for the grand jury of the county of the city of Waterford at each assizes after the 40
passing of this Act to present, to be raised off the said county of the city of Waterford, a sum not exceeding *two hundred pounds*,

and the said sums, together with such sums as may be voluntarily subscribed and be paid to the governors, or as they shall acquire under the provisions of this Act, shall be paid to the governors of the said infirmary, to be applied by them towards the establishment, improvement, support, and maintenance of the said infirmary, as the case may require. A.D. 1895.

5 5. The Board over and above the powers hereby specially committed to them shall have the superintendence, management, direction, and regulation of all matters relating to the said infirmary, and it shall be lawful for the governors present at any meeting of the Board at which a quorum shall be present from time to time by a resolution entered in a book kept for that purpose and signed by at least seven governors present at the meeting to make such byelaws, rules, and regulations as they may deem necessary for the better government, good order, or management of the said infirmary, and the admission of patients and the maintenance and conduct of the inmates thereof, or any matter relating thereto, providing the same shall not be repugnant to the several trusts hereby reposed in the Board, or in any way inconsistent with the provisions of this Act, and shall not come into operation unless and until they are approved of and confirmed by a resolution to be passed at a subsequent meeting of the board held at an interval of not less than one week and not more than one month from the date of the meeting at which such byelaws, rules, and regulations have been made. Powers of board.

20 6. The first meeting of the board shall be held at the said public infirmary within *thirty days* after the appointed day, and notice of the time and place of meeting shall be given by the master, and in his absence by the secretary, to each governor in manner herein-after provided, and the board shall thereafter hold two general meetings in each year, one to be held within one week after the meeting of the donors and subscribers for the election of governors, and the other upon the first Friday in September. Meetings of board.

35 7. Any seven or more governors shall be at liberty and are hereby authorised and empowered at all times by requisition in writing, signed by them and specifying the purpose for which the special general meeting shall be called, to call a special general meeting of the board. Call of special general meeting.

40 8. Any seven governors present at any meeting of the board shall be a quorum, and all powers and authority vested in the board shall and may be exercised from time to time by the major quorum. Seven governors to be a quorum.

A.D. 1895.

part of the governors who shall attend at any meeting of the board, the number of governors present at any such meeting not being less than seven. And all acts, orders, and proceedings of the major part of the governors present at such their several meetings shall have the same force and effect as if the same 5 were made and done by all the governors for the time being.

The master
to be chair-
man at
meetings
of the board.

9. The master of the said infirmary when present at any meeting of the board shall be the chairman thereof, and in his absence from any such meeting a chairman shall and may be appointed by the major part of the governors present at such 10 meeting, and as often as it shall happen that there shall be an equality of votes at any such meeting, including the vote of the chairman, the chairman of such meeting shall have a second or casting vote. And if the chairman at any meeting of the board shall leave such meeting before the adjournment of the same, then 15 and in such case the remaining governors present at such meeting, not being less than seven, shall and may in like manner appoint another chairman being a governor present at such meeting to replace the former chairman and to preside at such meeting until the same shall be adjourned. 20

Powers to
adjourn
meetings of
the board.

10. The governors present at any meeting of the board at which not less than seven governors shall be present, shall have power to adjourn the meeting from time to time, and to such place as they think fit.

Notice of
meeting to
be given.

11. Every meeting of the board subsequent to the first meeting 25 shall be summoned by a notice in writing signed by the master, or in his absence by the secretary, stating the time and place of meeting, and the purpose for which the same shall be held, which notice shall be left at or sent by post to the usual place of abode of each governor, or such of them as shall be in Ireland, and 30 shall have an address known to the secretary, at least *three* clear days before the date of such meeting, or otherwise shall be summoned in such manner as may be determined by any byelaw to be made by the board in respect thereof. The accidental omission to give such notice to any governor shall not invalidate 35 any resolution at any such meeting, or otherwise affect the proceedings at any such meeting.

Notice of
adjourned
meeting.

12. Whenever any meeting shall be adjourned for *seven days* or more, at least *three* days' notice of the place and hour of such adjourned meeting shall be given in like manner. 40

13. The board shall cause to be provided and kept a proper book or books in which fair and regular entries shall be made of acts, orders, and proceedings, and of the names of all such members of the board as shall be present at their several meetings, and all entries in such books being signed by the chairman of the meeting in respect of which such entry shall be made, or by the chairman of the next subsequent meeting, shall be deemed to be originals, and shall be allowed to be read in evidence in all causes, suits, and actions touching or concerning anything done in pursuance of this Act, and such books shall at all meetings of the board and at all other reasonable times be kept open and available for the inspection of the governors, any of whom may take copies thereof, or extracts therefrom.

A.D. 1895.

Books containing entries of proceedings to be kept.

14. The secretary of the board shall keep a book or books in which he shall enter, or cause to be entered, true and regular accounts of all sums of money received, paid, and expended, for or on account of the purposes of this Act, and of the several articles, matters, and things for which such sums of money have been disbursed and paid, and such book or books shall at all reasonable times be open for the inspection of the governors, any of whom may take copies thereof or extracts therefrom.

Secretary to keep accounts.

15. The donors and subscribers for the support of the said infirmary who shall be entitled to vote on the election of governors shall, at every annual meeting convened for the purpose of electing governors, nominate and appoint two persons, who shall be auditors of the accounts of the said infirmary for the year ending on the *twenty-eighth day of February* following, and such auditors shall proceed into the examination and auditing of such accounts, and shall make out a full and true abstract or general statement of the receipts and disbursements of the board for the said year, which abstract or general statement shall be signed by the auditors, and shall be printed at the expense of the board in the month of March, and shall be submitted to the next general meeting of the board, and copies thereof shall be delivered to the secretary of the grand jury of the county of Waterford, and the secretary of the grand jury of the county of the city of Waterford before the date fixed for the spring assizes for the said county, and the said county of the city, in each year, and shall be laid before the grand juries respectively at the spring assizes in each year, and copies thereof shall also be distributed by the secretary amongst the governors and the donors of twenty guineas, and the subscribers of three guineas for the year to which the accounts relate.

Auditors to be appointed.

[A.D. 1895.

Votes of
donors and
subscribers,
as on elec-
tion of
governors.

Who ineli-
gible as
auditor.

Casual
vacancy.

Committee
of manage-
ment.

Delegation
of powers of
the board.

Meeting of
committee of
management.

16. At every election of auditors each donor and subscriber shall be entitled to vote in the same manner and to the same number of votes as in the case of an election of two governors from amongst the donors and subscribers.

17. No governor and no person who shall be in receipt of or 5 entitled to any remuneration in respect of any office or employment in connexion with the said infirmary shall be eligible as auditor.

18. If any casual vacancy occurs in the office of auditor, the Board shall fill the same, or in default of the donors and subscribers electing auditors in manner herein-before provided, the board shall 10 do so at a general meeting.

19. It shall be lawful for the board at any meeting held within one year after the appointed day, and in each succeeding year at a meeting to be held within one week after the annual meeting of donors and subscribers for the election of governors, to appoint 15 from amongst themselves eight persons who together with the master of the said infirmary, shall be a committee for the purposes of this Act, or for any part of such purposes, as the Board may direct, and who shall be called the committee of management, and shall hold office until the half-yearly meeting of the board, to be 20 held within a week of the meeting of donors and subscribers for the election of governors.

20. It shall be lawful for the board from time to time, by a resolution passed at any general meeting, to delegate to the committee of management all or any of the powers or authorities 25 vested in the board under this Act, and it shall be lawful for such committee in transacting the business so committed to them to exercise all the powers for that purpose which are by this Act given to the board, and such committee shall, at such time or times as the board shall direct, and failing such direction, at each half- 30 yearly meeting of the board, lay before the board a statement or report of their accounts and proceedings.

21. The committee of management shall meet at the infirmary on the first Friday in each month, and any three members present at any such meeting shall be a quorum. The master or the 35 secretary, or any three or more members of the committee of management, are hereby authorised and empowered at all times (by requisition in writing signed by them and specifying the purpose for which a special meeting shall be called) to call a special meeting of the committee of management. 40

22. The board may from time to time make, vary, and revoke, regulations respecting the quorum meetings and proceedings of the committee of management, and subject and without prejudice to the powers hereby vested in the board, the meeting and proceedings of the committee of management shall be governed by the provision in this Act contained for regulating the meetings and proceedings of the board so far as the same shall be applicable and are not superseded by any regulations made by the board as aforesaid.

A.D. 1895.

Procedure
at meetings
of committee
of manage-
ment.

23. The committee of management may sue and be sued in the name of the master, and an action or other proceedings in which they shall so sue or be sued shall not abate by the death, removal, or resignation of the master, but the master for the time being shall always be deemed a party to the action or other proceedings.
24. The persons appointed to the offices of surgeons, physicians, apothecary, and matron respectively, by the said trustees of the Leper Hospital of Saint Stephen's, and who at the appointed day shall hold the said offices, shall continue to hold the same and to discharge the duties thereof as officers and matron of the said infirmary until their respective deaths, removal, or resignation, and shall, while they continue to hold such offices, be paid out of the funds of the infirmary the respective salaries or remuneration now payable to them by the said trustees in respect of the said offices, provided, however, that if any of the surgeons, physicians, or apothecaries shall resign or be removed from his office within *three years* from the appointed day, but not otherwise, the board shall have power, and they are hereby authorised, to award to the surgeon, physician, and apothecary, so resigning or being removed, a gratuity not exceeding in amount *one year's* salary and remuneration. And in case of the removal of the said matron from her office as matron within *three years* from the appointed day, but not otherwise, the board shall have power and they are hereby authorised to award to her, out of the funds of the infirmary, a gratuity not exceeding the sum of *one hundred pounds* and not less than the sum of *fifty pounds*.

Committee
of manage-
ment may
sue and be
sued.

Medical staff
and matron
to be re-
tained.

25. It shall be lawful for the board at any general meeting to elect one person who shall be duly qualified as a physician and surgeon, as the resident physician and surgeon of the said infirmary, and at the same time or any other general meeting to elect one person who shall be duly qualified as a physician and surgeon as the non-resident physician and surgeon of the said infirmary, who shall be respectively appointed to such offices at such salaries as the

Election
of medical
officers.

A.D. 1895. board shall consider reasonable. The resident physician and surgeon so appointed shall be required to prescribe and compound medicine for the inmates of the said infirmary, and shall be and act as the secretary of the board, and shall keep the house account of the said infirmary. 5

Power to remove medical officers and supply vacancies.

26. The Board shall have power at any general meeting to remove any resident or non-resident physician and surgeon, and from time to time to elect a duly qualified physician and surgeon to supply any vacancy in the office of resident or non-resident physician and surgeon of the said infirmary. 10

27. It shall be lawful for the said board at any general meeting to elect a treasurer and a secretary, subject to such conditions and at such salaries as the board may consider reasonable.

The master to continue in office.

28. The person who at the appointed day shall hold the office of master of the said Leper Hospital of Saint Stephens, shall become 15 and be master of the said infirmary, and shall so continue during his life or until he shall resign or be removed from such office.

Vacancy in office of master.

29. In case of the death, resignation, or removal of the person who shall be the master at the appointed day or any other master to be hereafter appointed, a special meeting of the board shall be 20 summoned by the secretary to elect a proper person to be the master of the said infirmary in place of the master so dying, resigning, or being removed; such meeting shall be held within one month from the time when such vacancy shall arise. The person who at such meeting shall have a majority of the votes of 25 the members then present and voting, shall be elected as the master and shall continue to be and act as the master of the said infirmary during his life or until he shall resign or be removed; and if it shall happen at any such election that there shall be an equality of votes including the vote of the chairman, the chairman 30 of any such meeting shall have a second or casting vote.

Removal of governors, &c. by the court.

30. The master or any other member or members of the board may be removed from their respective offices by the court on the application of any person interested in the said infirmary as a governor, donor, or subscriber, on good and sufficient reasons for 35 such removal being shown.

Vesting of the property.

31. The said building called or known by the name of the Leper Hospital of Saint Stephens, and all other property real and personal of every description, which at the appointed day shall be vested in or held by the said John A. Tobin, Most Reverend 40 Richard Alphonsus Sheehan, Very Reverend John Morgan, Henry

A.D. 1895.

Demy, William Henry Fennessy, John Newsom White, Edward Jacob, and John Hawtry Jones, or any one or more of them or other the persons who at the appointed day shall be the trustees of the said Leper Hospital of Saint Stephens, and which property shall
 5 be so vested in and held by such persons as such trustees shall, as from the appointed day pass to and become vested in the board, their successors and assigns, to be appointed as in this Act provided, to be applied by them for the support and maintenance of the said infirmary and other purposes of this Act, and the aforesaid parties
 10 shall thenceforward be hereby relieved and discharged from all trusts and responsibilities in regard to the said buildings and property and the income thereof.

32. The board may appoint a proper person to be the receiver of the rents and income of the lands and tenements vested in them
 15 by this Act, and any other lands which now are or at any time hereafter may be subject to the same trusts. The board shall and they are hereby authorised and empowered to take from every such receiver the joint and several bond of himself and two sureties, who shall be approved of by the board, by which every such receiver
 20 and his sureties shall become bound to the board in a sum not less than *seven hundred pounds* sterling, for the faithful discharge of his duties by such receiver, and his due accounting with the board for the rents received by him. Every such receiver shall be
 25 of the rents collected by him, and shall on or before the *first day of March* in each year, submit to the board his accounts for the year ending the *thirty-first day of December* immediately preceding and such other accounts of such rents as the board may from time to time require. The accounts of every such receiver shall be audited
 30 and certified by the board.

Appoint-
ment of a
receiver.

33. The person who at the appointed day shall be the agent or receiver of the said trustees of the Leper Hospital of Saint Stephens over the lands and tenements by this Act vested in the board, shall be and continue during his life, or until his resignation or
 35 removal, the first receiver under this provision. Upon the death, resignation or removal of the receiver hereby appointed, or of any person who may hereafter be appointed receiver, the board shall elect a fit and proper person to be receiver upon his entering into like security as herein-before mentioned. Any receiver may
 40 be removed by the board.

First
receiver.

34. The board may grant leases for any term not exceeding *thirty-five years* of any part or parts of the lands and tenements

Power to
make leases.

A.D. 1895. by this Act vested in them, or which shall hereafter vest in them under the provisions of this Act :—

(1.) Every such lease shall be by deed, and shall be made to take effect in possession not later than twelve months after its date.

(2.) Every such lease shall reserve the best improved rent that can reasonably be obtained, and no fine shall be paid or taken in respect of any such lease.

Leases
subject to
approval
of court.

35. The Board may, subject to the approval of the court or the judge of the county court of the county of Waterford, make any other lease or leases of the said lands or tenements or any part thereof.

Admission
of patients.

36. The Board shall have power to receive into the said infirmary all such sick and wounded persons of the city and county of Waterford as they shall think proper, and may remove the same or any of them, and receive other such persons in their place, and the number to be received from the county of Waterford shall be regulated as nearly as possible in the proportion that the annual contributions of the county grand jury bear to the remainder of the revenue of the said infirmary, without prejudice to the right of nomination by donors and subscribers as by this Act provided.

Nominations
of patients
by donors
and sub-
scribers.

37. Donors of *twenty guineas* for the support of the said infirmary shall, during their lives, and subscribers of *three guineas* shall, during the year in which they shall subscribe, be entitled, subject to the approval of the board or of committee of management, to nominate sick and wounded persons who, in the aggregate, shall be entitled to twenty-one days use of a free bed in the infirmary, provided there shall be vacant beds available at the time therein.

Inmates of
leper
hospital.

38. The persons who at the appointed day shall be the inmates of the said Leper Hospital of Saint Stephens, shall be continued as inmates of the said infirmary until they shall die or be removed.

Extern
relief.

39. The board shall have power in deserving cases recommended by a member of the medical staff of the infirmary, and subject to rules and regulations to be made by the committee of management, to give extern relief in medicine, and surgery, and nursing, to sick and wounded persons as aforesaid, and to do all acts and make all arrangements and appointments necessary for the purpose, and in proper cases the board may charge a reasonable sum for such relief.

40. The board or the committee of management at any meeting at which a quorum shall be present, may from time to time make such rules and regulations relating to such extern relief as they deem fit, and may from time to time alter, vary, or rescind any
5 such rules and regulations.

Rules as to extern relief to be made by the board or committee of management.

Paying patients.

41. It shall be lawful for the board to require payment from such of the patients in any of the wards of the infirmary as, in the opinion of the board or the committee of management may be able to pay, and the board may establish in the said infirmary a
10 ward for the exclusive use of such patients as shall agree to pay such sums as may be fixed by the board for such use.

42. The board may appoint such matrons, nurses, servants, and other persons as they shall deem necessary for the requirements of the said infirmary, and may from time to time remove and
15 dismiss the same, and pay to such matrons, nurses, servants, and any other persons, such salaries and wages as the board shall consider reasonable.

Appointment of matrons, nurses, servants, &c.

43. The nursing shall be carried on by the nursing staff, under the direction of the resident physician, and the nursing staff shall
20 consist of a lay matron, holding a recognised certificate as a trained nurse, or of whose competency and skill the board shall otherwise be satisfied, in case a person holding a recognised certificate can not be procured, and as many lay trained nurses and lay probationers as the board may consider necessary.

Nursing staff.

44. The existing system of employing only secular matrons, nurses, and probationers, shall be continued, but this provision may be annulled or altered by a resolution passed at a meeting of the board, specially convened for the purpose whereof one month's previous notice in writing, stating the purpose of the meeting, shall
25 be given to each governor, which resolution shall be carried by a majority of two-thirds of the governors present at such meeting, and shall be confirmed by a like majority of the governors present at another special meeting to be convened for the purpose, not earlier than one month or later than three months from the date
30 of the first meeting, and of which like notice shall be given.

Present system of employing only secular nurses to be continued.

45. The Board shall provide, from time to time, all pecuniary allowances food, furniture, surgical instruments, and all other things required in their opinion for the proper maintenance of the said infirmary and the inhabitants thereof.

Board to provide all requisites for infirmary.

- A.D. 1895. **46.** The Board shall get such structural or other alterations effected in the existing hospitals buildings as may be necessary to give effect to the provisions of this Act.
- Alterations in buildings.
- Payments. **47.** No payment shall be made out of the funds of the infirmary, except on an order of the board or the committee of management, 5 and all payments shall be duly recorded in the house account to be kept by the resident physician or surgeon or other official.
- Insurance of buildings. **48.** The Board shall keep the buildings of the said infirmary and the furniture and effects therein insured in a sufficient sum in an approved office or offices. 10
- Salaries, &c. to be paid out of the funds of the infirmary. **49.** All salaries, wages, charges and expenses properly incurred by the board or by the committee of management in the direction and management of the affairs of the said infirmary, or otherwise, in carrying out the provision of this Act, shall be paid out of the funds of the infirmary. 15
- Alteration of certain provisions of the Act by the court. **50.** The court may, on the application of the board, pursuant to and authorised by a resolution passed at a meeting of the Board, modify, alter, or vary the provisions of this Act which deal with the management and direction of the affairs of the said infirmary, or the application of the money received or to be received by the 20 board under or by virtue of that Act in such manner and to such extent as the court may think fit.
- Applications to the court. **51.** Every application to the court under this Act shall be made by summons in chambers, and shall be assigned to the Chancery Division of the High Court of Justice in Ireland, and every 25 application to the judge of the county court of the county of Waterford under this Act shall be made by petition on the equity side.
- Notice to be served. **52.** On any such application the court or the said judge of the county court may direct notice to be served on such person or 30 persons as the court or such judge think fit.
- Appointed day. **53.** The appointed day shall be the first day of the assizes for the county of Waterford held next following the *passing of this Act*.
- Definitions. **54.** In this Act unless the context otherwise requires— 35
 (1.) The expression "the Board" shall mean the body corporate hereby constituted under the name of "The Governors of the
 "General Infirmary of the County of Waterford and the
 "County of the City of Waterford."

(2.) The expression “the Funds of the Infirmary” shall mean and include all moneys received or to be received by the board under or by virtue of this Act. A.D. 1895.

5 (3.) The expression “the Court” shall mean a judge of the Chancery Division of the High Court of Justice in Ireland.

55. This Act may be cited as the Waterford Infirmary Act, Short title.
1895.

Waterford Infirmary (No. 2).

A

B I L L

For the Establishment of a Public Infirmary for the County of Waterford and the County of the City of Waterford, and for appropriating the Leper Hospital of Saint Stephen's for the purposes thereof, and for other purposes connected therewith.

*(Prepared and brought in by
Mr. John Redmond, Mr. Clancy, Mr. John Ross,
and Dr. Kenny.)*

*Ordered, by The House of Commons, to be Printed,
22 March 1895.*

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[Bill 177.]

A
B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Holyhead Water, Mid Kent Water, and South Hayling Water. A.D. 1895.
—

WHEREAS under the authority of the Gas and Water Works Facilities Act, 1870, the Board of Trade have made the several Provisional Orders set out in the schedule to this Act annexed : 33 & 34 Vict.
c. 70.

5 And whereas a Provisional Order made by the Board of Trade under the authority of the Gas and Water Works Facilities Act, 1870, is not of any validity or force whatever until the confirmation thereof by Act of Parliament :

10 And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the authority of the said Act, and set out in the schedule to this Act annexed, be confirmed by Act of Parliament :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the Water Orders Confirmation Act, 1895. Short title.

20 2. The several Orders as amended and set out in the schedule to this Act shall be and the same are hereby confirmed, and all the provisions thereof, in manner and form as they are set out in the said schedule, shall, from and after the passing of this Act, have full validity and effect. Confirmation
of Orders in
schedule.

25 3. The Undertakers mentioned in the said Orders shall not, under the powers of this Act or of the said Orders, purchase or acquire in any city, borough, or urban district, or in any parish or part of a parish not being within an urban district, ten or more houses Special
provisions
as to labour-
ing class.

A.D. 1895. which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers, or, except with the consent of the Local Government Board, ten or more houses which were not so occupied on the said fifteenth day of December, but have been or shall be 5 subsequently so occupied.

For the purposes of this section the expression "labouring class" includes mechanics, artisans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others 10 except members of their own family, and persons, other than domestic servants, whose income does not exceed an average of thirty shillings a week, and the families of any such persons who may be residing with them.

SCHEDULE OF ORDERS.

15

HOLYHEAD WATER.—Order empowering the Holyhead Waterworks Company to construct additional waterworks in the parish of Holyhead in the county of Anglesea, and to raise additional capital.

MID KENT WATER.—Order empowering the Mid Kent Water Company, Limited, to maintain and continue waterworks, to construct additional 20 waterworks, to extend their limits of supply and to raise additional capital.

SOUTH HAYLING WATER.—Order authorising the South Hayling Water Company, Limited, to construct and maintain waterworks and to supply 25 water in Hayling Island in the county of Southampton.

HOLYHEAD.

A.D. 1895.

Holyhead.

Order empowering the Holyhead Waterworks Company to construct additional Waterworks in the parish of Holyhead in the county of Anglesey and to raise additional Capital.

- 5 1. This Order may be cited as the Holyhead Water Order 1895. Short title.
2. The Holyhead Waterworks Act 1866 and the Holyhead Water Order 1885 (in this Order referred to as "the Act of 1866" and "the Order of 1885" respectively) and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order. Construction of Order.
- 10 3. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order." Commencement of Order.
- 15 4. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) and of the Waterworks Clauses Acts 1847 and 1863 and so far as the same relate to the powers conferred by this Order the provisions of the Companies Clauses Consolidation Acts 1845 to 1889 with respect to the several matters following (that is to say):— Incorporation of Acts.
- 20 The distribution of the capital of the Company into shares ;
 The transfer or transmission of shares ;
 The payment of subscriptions and the means of enforcing the payment of calls ;
 The forfeiture of shares for nonpayment of calls ;
- 25 The remedies of creditors of the Company against the shareholders
 The borrowing of money by the Company on mortgage or bond ;
 The conversion of the borrowed money into capital ;
 The consolidation of the shares into stock ;
 The general meetings of the Company and the exercise of the right of voting
- 30 by the shareholders ;
 The making of dividends ;
 The giving of notices ; and
 The provision to be made for affording access to the special Act by all parties interested ;
- 35 And Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 and the Companies Clauses Act 1869 are (except where expressly varied by this Order) incorporated with and form part of this Order.
- 40 For the purpose of such incorporation the term "special Act" in the said Acts shall be construed to mean this Order and the term "Company" shall mean the Undertakers.
5. The several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Interpretation.

A.D. 1895. Facilities Act 1870 meanings are assigned have in this Order the same
Holyhead. respective meanings. Provided that the expression "superior court" or
 "court of competent jurisdiction" in any Act in whole or in part incorporated
 with this Order shall be read and have effect as if the debt or demand in
 respect of which the expression is used were an ordinary simple contract 5
 debt and not a debt or demand created by statute.

In this Order the expression "deposited plans" and "deposited sections"
 shall mean respectively the plans and sections deposited for the purposes of
 this Order.

Undertakers.

10

Undertakers. 6. The Holyhead Waterworks Company incorporated by the Act of 1866
 shall be the Undertakers for the purposes of this Order and are in this Order
 referred to as "the Undertakers."

Additional Capital.

New capital.

7. In addition to the capital already authorised to be raised by the Under- 15
 takers under the Act of 1866 and the Order of 1885 (in this Order referred
 to as "the existing capital") they may from time to time—

(1.) Raise any further sums not exceeding in the whole six thousand
 pounds by the issue of new ordinary shares or stock or new preference 20
 shares or stock or wholly or partly by any one or more of those modes
 respectively (in this Order referred to as "the new capital") but the
 Undertakers shall not issue any share under the authority of this Order
 of less nominal value than five pounds nor shall any such share or stock
 issued under the authority of this Order vest in the person accepting the 25
 same unless and until the full price of such share or stock including any
 premium obtained on the sale thereof as herein-after provided has been
 paid in respect thereof. Provided that it shall not be lawful for the
 Undertakers to create and issue under the powers of this Order any
 greater nominal amount of capital than will be sufficient to produce
 including any premiums which may be obtained on the sale thereof the 30
 sum of six thousand pounds; and

(2.) Borrow on mortgage in respect of the new capital by this Order
 authorised to be raised any sum or sums not exceeding in the whole one
 thousand five hundred pounds but no part thereof shall be borrowed until
 the Undertakers have proved to the justice who is to certify under the 35
 fortieth section of the Companies Clauses Consolidation Act 1845 before
 he so certifies that shares for the whole of the capital by this Order
 authorised to be raised has been subscribed for and one half of the
 amount payable in respect thereof has been paid up and upon production
 to such justice of the books of the Undertakers and such other evidence as 40
 he may think sufficient he shall grant a certificate that the proof aforesaid
 has been given which certificate shall be sufficient evidence thereof.

As to conver-
 sion of
 borrowed
 money into
 capital.

8. The Undertakers shall not have power to raise the money by this Order
 authorised to be borrowed on mortgage or by the issue of debenture stock or any
 part thereof by the creation of shares or stock instead of borrowing or to convert 45
 into capital the amount borrowed under the provisions of this Order unless in
 either case all dividends upon the shares or stock whether ordinary or pre-
 ferential are limited to a rate not exceeding five pounds per centum per annum.

A.D. 1895.

Holyhead.

Except as otherwise provided new shares or stock to be subject to the same incidents as other shares or stock.

Restrictions as to votes in respect of preferential shares or stock.

New shares or stock to be offered by auction or tender.

9. Except as by this Order otherwise provided the new capital created by the Undertakers under this Order and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects

5 as if that new capital were part of the existing capital of the Undertakers of the same class or description and the new shares or stock were shares or stock in the capital.

10. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock

10 to which a preferential dividend shall be assigned.

11. The Undertakers shall when any shares or stock created under the powers of this Order are to be issued and before offering the same to the holder of any other shares or stock of the Undertakers and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not offer the same

15 for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may from time to time by special resolution determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserve price put upon such shares or stock shall not be less than the

20 nominal amount thereof and notice of the amount of such reserve price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided

25 that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers.

12. When the amount bidden or tendered by the proprietor of any share or stock of the Undertakers for any share or stock offered for sale by auction or tender under the provisions of this Order is equal to the highest amount bidden

30 or tendered for such last-mentioned share or stock by any person not being a proprietor then and in every such case such proprietor shall be declared to be the purchaser of and to be entitled to such share or stock.

When proprietor tenders same amount as any other person proprietor to be declared the purchaser.

13. It shall be one of the conditions of any sale of shares or stock under the provisions of this Order that the full price thereof including any premium

35 given by any purchaser at such sale in respect thereof shall be paid to the Undertakers within three months after such sale.

Purchase money of capital sold by auction to be paid within three months.

14. The intention to sell any shares or stock by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply

40 and to the secretary of the Committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

Notice to be given as to sale of shares and stock.

15. When any shares or stock have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserve price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the

Shares or stock not sold by auction or by tender to be offered to share holders.

A.D. 1895. Undertakers in the manner provided by the Companies Clauses Act 1863 provided that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares and stock created under the powers of this Order but at a lower reserve price than the price put upon the same at the preceding offer thereof for sale by auction or tender (not being less than the nominal value of the shares or stock so offered) and any share or stock not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserve price and so from time to time until the whole of such shares or stock is sold.

Application of premium arising on issue of shares or stock.

16. Any sum of money which may arise from the issue of any shares or stock under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by the Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend.

Power to create debenture stock.

17. The Undertakers may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein or in any Act or Order previous to this Order contained the interest of all debenture stock and of all mortgages at any time after the commencement of this Order created and issued or granted by the Undertakers under any previous Act or Order or this Order or any subsequent Act or Order shall (subject to the provisions of any subsequent Act or Order) rank *pari passu* without respect to the dates of the securities or of the Acts of Parliament Orders or resolutions by which the stock and mortgages were authorised and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all such mortgages and certificates of debenture stock.

Existing mortgages to have priority.

18. All mortgages granted by the Undertakers under the authority of the Act of 1866 or the Order of 1885 before the commencement of this Order and subsisting at the date of such commencement shall during the continuance of such mortgages and subject to the provisions of the Act of 1866 and the Order of 1885 have priority over any mortgages granted under the authority of this Order but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Undertakers.

For the appointment of a receiver.

19. Section 17 of the Act of 1866 and section 18 of the Order of 1885 respectively (for the appointment of a receiver) shall be repealed as from the commencement of this Order but without prejudice to any appointment heretofore made or any proceedings then pending and after the commencement of this Order the mortgagees of the Undertakers may enforce payment of arrears of interest or of principal or of principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one-tenth part of the total amount for the time being owing by the Undertakers on mortgage.

20. The Undertakers shall not in any year declare or make out of their profits any larger dividends on the new capital than seven pounds in respect of every one hundred pounds actually paid up of so much of such capital as may be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of so much of such capital as may be issued as preference capital.

A.D. 1895.

Holyhead.

Limits of dividend on new capital.

21. In case in any year or in any half-year (if the Undertakers declare a dividend half-yearly) the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed maximum rate of dividends on each class of ordinary shares or stock in the capital of the Undertakers a proportionate reduction shall be made in the dividends payable on each class.

Dividends on different classes of shares or stocks to be paid proportionately.

22. The Undertakers shall not without the consent of the Board of Trade pay interest at a higher rate than five pounds per centum per annum in respect of any moneys borrowed on mortgage or raised by the creation and issue of debenture stock under the authority of this Order.

Limit of interest on moneys borrowed.

23. All moneys raised under this Order shall be applied to the purposes of the undertaking authorised by the Act of 1866 the Order of 1885 and this Order to which capital is properly applicable.

Application of moneys.

20

Lands.

24. The Undertakers may by agreement purchase take on lease acquire and use such of the lands shown on the deposited plans as they may require for the purposes of their water undertaking and they may also by agreement from time to time purchase acquire or take on lease and use any other lands and any easements rights or privileges (not being easements rights or privileges to take water in which persons other than the parties to the agreements have an interest) in over or affecting any lands which they may require for such purposes Provided always that they shall not create or permit a nuisance on any such lands and that they shall not at any time hold for the purposes of this Order more than ten acres of land.

Power to acquire lands.

25. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of the said Acts grant to the Undertakers any easement right or privilege (not being an easement right or privilege of water) in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants or to such easements rights or privileges as aforesaid.

Persons under disability may grant easements &c. to the Undertakers.

Construction of Waterworks.

26. The Undertakers may on the lands shown on the deposited plans so long as they shall continue possessed of the same or so long as they may be entitled to do so under any agreement make and maintain in the lines and according to the levels shown on the deposited plans and deposited sections the additional works herein-after described with all necessary pipes mains culverts cuts drains wells dams sluices engines pumps filtering beds weirs meters approaches embankments roads and all works and conveniences connected therewith.

Power to construct waterworks and supply water.

A.D. 1895. The additional works authorised by this Order will be situate wholly in the parish of Holyhead in the county of Anglesey and are—

Holyhead.

A new reservoir having an area of two and a half acres or thereabouts alongside of or contiguous to the northern side of the existing reservoir of the Undertakers to be constructed in fields forming part of a farm known as Tŵr 5 numbered 792 835 834 and 790 on the $\frac{1}{2500}$ Ordnance map of the said parish and belonging or reputed to belong to the Right Honourable Lord Stanley of Alderley and occupied by Mrs. Elizabeth Roberts and also in the field (forming part of a farm known as Penybone) numbered 848 on the afore-said map and belonging or reputed to belong to the Right Honourable 10 Lord Stanley of Alderley and now or lately in the occupation of Mr. Thomas Williams.

Power to take water.

27. Subject to the provisions of this Order the Undertakers may from time to time for the purposes of the undertaking take collect and impound in or by means of the works by this Order authorised to be made and maintained 15 respectively the waters of any springs or streams which may be in on or under any lands for the time being belonging to the Undertakers.

Limits of deviation.

28. In constructing the additional works authorised by this Order the Undertakers may subject to the provisions of this Order deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans but 20 in no case beyond the width of any road shown on the deposited plans and the Undertakers may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards or seven feet downwards.

Period for completion of works.

29. The additional works authorised by this Order shall be commenced 25 constructed and completed within the time and subject to the conditions prescribed by section 11 of the Gas and Water Works Facilities Act 1870 Provided that subject to the restrictions and provisions of this Order the Undertakers may from time to time alter enlarge and extend their engines machinery tanks wells pipes and other works in such way and manner as 30 may be requisite or advisable for supplying water within the limits of supply.

Differences with railway and other companies.

30. If any difference arise between the Undertakers and any railway canal or other company whose lands or works the Undertakers have power to cross under the authority of this Order for the purposes of meeting the demands for water within the limits of supply as to the mode of laying down repairing 35 altering or enlarging their conduits mains pipes or other works in over or upon such lands or works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

Power to Undertakers to make regulations for preventing waste misuse and contamination of water.

31. Section 34 of the Act of 1866 is hereby repealed and for preventing 40 waste misuse undue consumption or contamination of the water of the Undertakers the following provisions shall be in force and have effect but only within the district in which the Undertakers are bound to afford and do in fact afford or are prepared on demand to afford a constant supply The said provisions are as follows :—

(1.) The Undertakers may from time to time make regulations for the purpose of preventing the waste undue consumption or misuse or contamination of water and may by such regulations prescribe the size make nature 45

A.D. 1895.

Holyhead.

materials workmanship and strength and mode of arrangement connexion disconnexion alteration and repair of the pipes meters cocks ferrules valves soil-pans waterclosets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any or either of them which may allow or tend to waste or undue consumption misuse erroneous measurement or contamination.

(2.) No such regulation shall be of any force or effect unless and until the same shall have been submitted to and confirmed by the Local Government Board who are hereby empowered to confirm the same.

(3.) No such regulation shall be confirmed until after the expiration of one month after notice in writing to submit the same for confirmation together with a copy of the proposed regulations shall have been given by or on behalf of the Undertakers to the local authorities within the limits of supply who may within the said period of one month make such representations to the Local Government Board as they see fit.

(4.) A copy of all such regulations in force for the time being shall be kept at the office of the Undertakers and all persons may at all reasonable times inspect such copy without payment and the Undertakers shall cause to be delivered a printed copy of all regulations for the time being in force to every person applying for the same on the payment of a sum not exceeding twopence for each copy.

(5.) A printed copy of any such regulations dated and purporting to have been made as aforesaid and to have been confirmed by the Local Government Board shall be evidence until the contrary be proved in all legal proceedings of the due making confirmation publication and existence of such regulations without further or other proof.

(6.) In case of failure of any person to observe such regulations as are for the time being in force the Undertakers may if they think fit after twenty-four hours notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil-pan watercloset or other apparatus means contrivance or receptacles fittings or appliances belonging to or used by such person and not being in accordance with the requirements of such regulations and the expense of every such repair replacement or alteration shall be repaid to the Undertakers by the person on whose credit the water is supplied and may be recovered by them as water rates are recoverable.

(7.) Any person who shall offend against any such regulations shall (without prejudice to any other right or remedy for the protection of the Undertakers or punishment of the offender) be liable to a penalty not exceeding five pounds for each offence and to a further daily penalty not exceeding forty shillings for each day or part of a day whereon such offence shall occur after conviction thereof and the Undertakers may in addition thereto recover the amount of any damages sustained by them.

32. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

Costs of Order.

MID KENT.

A.D. 1895.

Mid Kent. Order empowering the Mid Kent Water Company Limited to maintain and continue Waterworks to construct additional Waterworks to extend their limits of supply and to raise additional Capital. 5

Short title. 1. This Order may be cited as the Mid Kent Water Order 1895.

Commencement of Order. 2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Construction of Order. 3. The Mid Kent Water Order 1888 (in this Order referred to as "the Order of 1888") and the Mid Kent Water Order 1890 (in this Order referred to as "the Order of 1890") as amended by this Order and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order. 10

Limits of supply. 4. The Undertakers shall have and may exercise subject to the provisions of this Order within the parish of Aylesford in the county of Kent (in this Order referred to as "the said parish") all and the like powers privileges and authorities for and in relation to the supply of water and shall be subject to all and the like duties liabilities and obligations in respect thereof as they now have and are subject to within the limits of supply as defined by the Order of 1888 and the Order of 1890 and the expression "limits of supply" in the said Orders and in this Order shall from and after the commencement of this Order be deemed to include the said parish. 20

Cesser of powers of the Undertakers. 5. If at the expiration of a period of one year (which period may if the Board of Trade so determine be extended to a period of two years) from the commencement of this Order the Undertakers are not furnishing a sufficient supply of water in accordance with the provisions of this Order in the said parish the powers of the Undertakers within the said parish shall absolutely cease and determine. 25

Capital.

30

Additional capital. 6. Subject to the proviso herein-after contained the limitation prescribed by the Order of 1890 with respect to the amount of the share capital of the Undertakers shall not prevent the Undertakers from raising further share capital not exceeding in the whole the sum of twelve thousand pounds (in this Order referred to as "the new capital") for the purposes of the undertaking authorised by the Order of 1888 the Order of 1890 and this Order to which capital is properly applicable Provided that the share capital of the Undertakers for the said purposes shall not exceed in the whole the sum of forty-five thousand pounds unless the Undertakers are hereafter authorised to raise further additional share capital by Provisional Order under the Gas and Water-Works Facilities Act 1870 or by Act of Parliament Provided always that the 35 40

Undertakers shall not before the expiration of the period mentioned in section 5 of this Order raise any larger amount of the new capital authorised to be raised by this Order than will be sufficient including any premiums that may be obtained on the sale of any shares under the provisions of this Order to produce a sum of seven thousand pounds and if at the expiration of the period mentioned in section 5 of this Order the Undertakers are not providing a sufficient supply of water in the said parish in accordance with the provisions of this Order the Undertakers shall not raise any new capital exceeding the sum of seven thousand pounds including any premiums that may be obtained on the sale of any shares under the provisions of this Order and accordingly this section shall be read and construed as if the words seven thousand pounds and forty thousand pounds had been substituted therein for the words twelve thousand pounds and forty-five thousand pounds respectively.

A.D. 1895.

Mid Kent.

7. The Undertakers shall when any shares forming part of the new capital by this Order authorised are to be issued and before offering the same to the holder of any other share or stock of the Undertakers offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may from time to time by special resolution determine. Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares and that the reserve price put upon such shares shall not be less than the nominal amount thereof and notice of the amount of such reserve price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holders of shares or stock of the Undertakers.

New shares
to be offered
by auction
or tender.

8. Where the amount bidden or tendered by the proprietor of any share or stock of the Undertakers for any such lot of shares so offered for sale by auction or tender under the provisions of this Order is equal to the highest amount bidden or tendered for the same lot by any person not being a proprietor then and in every such case such proprietor shall be declared to be the purchaser of and to be entitled to such lot.

When pro-
prietor tenders
same amount
as any other
person pro-
prietor to be
declared the
purchaser.

9. It shall be one of the conditions of any sale of shares under the provisions of this Order that the full price thereof including any premium given by any purchaser at such sale shall be paid to the Undertakers within three months after such sale.

Purchase
money of
shares to be
paid within
three months.

10. The intention to sell any shares by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply and to the Secretary of the Committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

As to notice
to be given
as to sale of
shares.

A.D. 1895.

Mid Kent.
Shares not
sold by auction
or tender to
be offered to
shareholders.

11. When any shares have been offered for sale by auction or by tender under the provisions of this Order and not sold the same shall be offered at the reserve price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers in such manner as may be prescribed by a special resolution passed by the 5 Undertakers Provided that any share so offered and not accepted within the time prescribed by such resolution shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares forming part of the new capital but at a lower reserve price than the price put upon the same at the preceding offer thereof 10 for sale by auction or tender not being less than the nominal value of such shares and any stock or shares not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserve price and so from time to time until the whole amount of such shares or stock is sold.

15

Application
of premium
arising on
issue of shares.

12. Any sum of money which may arise from the issue of any shares under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by 20 the Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend.

Limits of
dividend on
capital.

13. The Undertakers shall not in any year declare or make out of their profits any larger dividends on the new capital than seven pounds in respect of every one hundred pounds actually paid up of so much of such new capital 25 as may be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of so much of such new capital as may be issued as preference capital.

Prescribed
rates to be
paid propor-
tionately.

14. In case in any year or in any half-year when a half-yearly dividend is declared the net revenues of the Undertakers applicable to dividend are 30 insufficient to pay the full amount of the prescribed rate of dividend on each class of ordinary shares of the Undertakers a proportionate reduction shall be made in the dividends payable on each class.

Borrowing
powers.

15. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the water undertaking shall not at any time exceed in the whole 35 one-fourth of the amount of the capital of the Undertakers actually raised by the issue of shares or stock including any premiums that may be obtained on the sale of any shares under the provisions of this Order and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed 40 by the Undertakers after the commencement of this Order and secured as aforesaid.

Lands.

Power to
acquire lands
by agreement.

16. The Undertakers may by agreement purchase take on lease acquire and use such of the lands shown on the plans deposited for the purposes of this 45 Order and described in the schedule to this Order annexed as they may require

for the purposes of the water undertaking and they may by agreement from time to time purchase take on lease acquire and use any other lands and any easements rights or privileges (not being easements rights or privileges to take water in which persons other than the parties to the agreement have an interest) in over or affecting any lands which they may require for such purposes 5 Provided that the Undertakers shall not create or permit a nuisance on any such lands and that they shall not at any time hold for the purposes of this Order and the Order of 1888 and the Order of 1890 more than five acres of land in the whole.

A.D. 1895.

Mid Kent.

- 10 17. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of the said Acts grant to the Undertakers any easement right or privilege (not being an easement right or privilege of water in which other than the parties to the agreement have an interest) in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants or to such easements rights and privileges as aforesaid respectively.

Persons under disability may grant easements &c. to Undertakers.

Works.

18. The Undertakers on the lands upon which the same are situate may maintain and continue and from time to time alter enlarge renew and improve their existing works situate in the parish of Halling in the county of Kent and herein-after described and may also on the lands shown on the deposited plans while they are possessed of the same make and maintain in the lines and according to the levels shown on the plans and sections deposited for the purposes of this Order the work herein-after described with all necessary embankments filtering beds softening tanks dams gauges basins drains sluices catchpits conduits culverts channels wells cuts adits aqueducts roads apparatus approaches engines and other works and conveniences in connexion with such existing and new works and necessary for the supply of water.

Power to maintain existing works and to construct additional work and to supply water.

- 30 The existing works herein-before referred to are as follows :—

- (1.) A service reservoir situate in or upon a piece or parcel of ground belonging or reputed to belong to the Undertakers which piece or parcel of ground forms part of a field numbered 120 on the $\frac{1}{2500}$ scale Ordnance map of the said parish.
- 35 (2.) A conduit or line of pipes commencing at the existing pumping station of the Undertakers situate in a piece or parcel of ground which forms part of a field numbered 47 on the said Ordnance map and terminating in a tank on the south side of the reservoir before described.

- The new work authorised by this Order will be situate in the said parish of Halling and is—

- (3.) A service reservoir situate in or upon a piece or parcel of ground belonging or reputed to belong to the Undertakers which piece or parcel of ground forms part of a field numbered 120 on the $\frac{1}{2500}$ scale Ordnance map of the said parish.

- 45 And the provisions of the Order of 1888 and the Order of 1890 shall (except where expressly varied by this Order) extend and apply to the works authorised

A.D. 1895.

Mid Kent.

For the protection of the South-Eastern Railway Company.

For protection of Henry Leonard Campbell Brassey.

For the protection of the Maidstone Waterworks Company.

by this Order in as full and complete a manner as if the same had been part of the works authorised by the Order of 1888 and the Order of 1890.

19. Section 14 of the Order of 1888 (for the protection of the South-Eastern Railway Company) is hereby extended and made applicable to the works authorised by this Order as fully and effectually and in the same manner in all respects as if the said section were repeated in this Order and as if the works authorised by this Order had been part of the works authorised by the Order of 1888. 5

20. The following provisions shall take effect for the protection of Henry Leonard Campbell Brassey of Preston Hall Aylesford in the county of Kent which description shall include his sequels in title. 10

In exercising the powers of this or any other Order the Undertakers shall not be entitled to sink any wells or construct any cuts channels adits or other similar works in the parish of Aylesford or to do any other act which shall or may injuriously affect the supply of water to the spring known as the Tottington Spring and the Undertakers shall not without the previous consent in writing of the said Henry Leonard Campbell Brassey interfere with alter or move or cause to be interfered with altered or moved any of the water pipes or mains of the said Henry Leonard Campbell Brassey and then only under the supervision and to the satisfaction of his engineer the Undertakers making good any such interference alteration or moval at their own expense and paying the reasonable fees of the engineer of the said Henry Leonard Campbell Brassey. 15 20

Provided that in case any difference shall arise on any occasion between the said Henry Leonard Campbell Brassey and the Undertakers as to whether any works or things constructed or done injuriously affect or interfere with the full and free flow of water to the said Tottington Spring or as to the steps to be taken to remove the ground of complaint if found to exist every such question shall on the application in writing of either party be referred to an engineer to be appointed as arbitrator by the Board of Trade who shall decide whether there is any just ground of complaint and if there be shall direct how the same may best be removed and the Undertakers shall at their own cost carry out the directions of such engineer and pay all the costs and expenses of such arbitration. 25 30

21. Nothing in this Order or in any Act to be incorporated therewith shall authorise the construction of any works or the doing of anything in the parish of Aylesford that will injuriously affect the works of the Maidstone Waterworks Company or encroach upon diminish or interfere with the free and full flow of pure water to such works and if any works made or things done in pursuance of this Order or any Act to be incorporated therewith are found to affect the works of the Maidstone Waterworks Company injuriously or to interfere with the full and free flow of pure water to them and complaint thereof in writing be made by the Maidstone Waterworks Company to the Mid Kent Water Company steps shall immediately be taken by the Mid Kent Water Company to remove the ground of such complaint at their own expense Provided that in case any difference shall arise on any occasion between the Maidstone Waterworks Company on the one part and the Mid Kent Water Company on the other part as to whether any such works or things so constructed or done 35 40 45

will injuriously affect the works of the Maidstone Waterworks Company or interfere with the full and free flow of water thereto or as to the steps to be so taken to remove the ground of complaint if found to exist every such question shall on the application in writing of either party be referred to an engineer to be appointed as arbitrator by the Board of Trade who shall decide whether there is any just ground of complaint and if there be shall direct how the same may best be removed and the Mid Kent Water Company shall at their own cost carry out the directions of such engineer and pay all the costs and expenses of such arbitration.

A.D. 1895.

Mid Kent.

- 10 22. Any alteration repair or improvement of any of the bridges or roads repairable by the county council of Kent or any alteration of or in the position of the same may be made as if this Order had not passed and if any such alteration repair or improvement necessitates any alteration either temporary or permanent in the level or position of any of the works by this Order
- 15 authorised to be made or placed in over or through any of the bridges or roads aforesaid or necessitates any support either temporary or permanent to any such works the Undertakers shall after fourteen days notice in writing by the county surveyor on behalf of the said county council forthwith make such alteration or afford such support at their own expense.
- 20 23. If any difference arise between the Undertakers and any railway or other company whose lands or works the Undertakers have power to cross under the authority of this Order for the purpose of meeting the demands for water within the limits of supply as to the mode of laying down repairing altering or enlarging their conduits mains pipes or works in over or upon such lands or
- 25 works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

For protection of main roads and bridges.

Differences with railway or other companies.

Costs.

24. The costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

Costs of Order.

SCHEDULE.

LAND PROPOSED TO BE USED FOR THE PURPOSES OF THE WATERWORKS.

- 35 All that piece or parcel of ground containing by admeasurement half an acre or thereabouts belonging or reputed to belong to the Undertakers and being part of a field numbered 120 on the $\frac{1}{2500}$ scale Ordnance map of the parish of Halling in the county of Kent.

- 40 All that piece or parcel of ground containing by admeasurement half an acre or thereabouts belonging or reputed to belong to the Undertakers and being part of a field numbered 47 on the $\frac{1}{2500}$ scale Ordnance map of the parish of Halling in the county of Kent.

A.D. 1895.

SOUTH HAYLING.

*South
Hayling.*

Order authorising the South Hayling Water Company Limited to construct and maintain Waterworks and to supply Water in Hayling Island in the County of Southampton.

Short title.	1. This Order may be cited as the South Hayling Water Order 1895.	5
Commencement of Order.	2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."	
Incorporation of Acts.	3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) and of the Waterworks Clauses Acts 1847 and 1863 are (except where the same are expressly varied by this Order) hereby incorporated with and form part of this Order.	10
Interpretation.	4. The several words terms and expressions to which by the Acts in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings: Provided always that the expression "superior court" or "court of competent jurisdiction" in any Act wholly or partially incorporated with this Order shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt and not a debt or demand created by statute. In this Order— The expressions "deposited plans" and "deposited sections" shall mean respectively the plans and sections deposited for the purposes of this Order.	15 20 25
Limits of Order.	5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parish of South Hayling in the county of Southampton.	
Where Undertakers not furnishing sufficient supply local authority or company may supply.	6. If at any time after the expiration of five years from the commencement of this Order the Undertakers are not furnishing a sufficient supply of water in accordance with the provisions of this Order in any part of the district of any local authority included within the limits of supply the local authority of such district may provide a supply in the whole or any part of their district within the limits of supply in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any part of such district not sufficiently supplied by the Undertakers as if in either case there were no company authorised by this Order to supply water therein. If any difference shall arise between the Undertakers and any such local authority company body or person as to the sufficiency of the supply of water in any part of such district such difference shall be settled on the application of either party by the Board of Trade.	30 35 40

Undertakers.

A D. 1895.

7. The South Hayling Water Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

South
Hayling.
Undertakers.

5

Capital.

8. The share capital of the Undertakers shall not for the purposes of the undertaking exceed five thousand pounds unless any increase thereto be hereafter authorised by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

Capital.

10 9. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole one thousand pounds and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the
15 commencement of this Order and secured as aforesaid.

Limit of
borrowing
powers.

Lands.

10. The Undertakers may by agreement purchase take on lease acquire and use such of the lands shown on the deposited plans as they may require for the purposes of the undertaking and they may by agreement from time to time
20 purchase or take on lease and use any other lands and any easements rights or privileges (not being easements rights or privileges to take water in which persons other than the parties to the agreements have an interest) in over or affecting any lands which they may require for such purposes Provided always that they shall not create or permit a nuisance on any lands held by
25 them and that they shall not at any time hold for such purposes more than five acres of land Provided also that no building shall be erected on such lands except such as are required for the purposes of the undertaking.

Power to
acquire lands.

11. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of the said Acts
30 grant to the Undertakers any easement right or privilege (not being an easement right or privilege of water) in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants or to such easements rights or privileges as aforesaid.

Persons under
disability may
grant ease-
ments &c. to
Undertakers.

35

Construction of Waterworks.

12. The Undertakers may on the lands shown on the deposited plans when the same have been acquired by them and so long as they are possessed of the said lands or so long as they may be entitled to do so under agreement make and maintain in the lines and according to the levels shown on the
40 deposited plans and deposited sections the works herein-after described with all necessary approaches fences excavations embankments roads sluices pipes channels adits levels dams weirs outfalls valves wells pumps drains filters

Power to con-
struct water-
works and
supply water.

[320.]

C

A.D. 1895.

*South
Hayling.*

filter-beds and other works conveniences and appliances connected therewith and they may subject to the provisions of this Order supply and sell water within the limits of supply.

The works authorised by this Order are as follows:—

A pumping station and well or wells to be situate in a field numbered 196 5 on the $\frac{1}{2500}$ Ordnance map for the parish of South Hayling and belonging or reputed to belong to David Painter McEuen and in the occupation of Henry North.

A pumping station and well or wells to be situate in a field numbered 80 on the said Ordnance map and belonging or reputed to belong to 10 Frederick Padwick and in the occupation of John George Woolland Reddaway.

All which said pumping stations and wells and other works will be situated in the parish of South Hayling in the county of Southampton.

Limits of deviation.

13. In constructing the works authorised by this Order the Undertakers may 15 deviate laterally to any extent within the limits of lateral deviation shown on the deposited plan but in no case beyond the width of any road shown on the deposited plans and the Undertakers may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards or seven feet downwards. 20

Period for completion of works.

14. The works authorised by this Order shall be commenced constructed and completed within the time and subject to the conditions prescribed by section 11 of the Gas and Water Works Facilities Act 1870 Provided always that subject to the restrictions and provisions of this Order the Undertakers may from time to time alter enlarge deepen and extend their engines machinery wells 25 mains pipes filters filter-beds buildings and other works in such way and manner as may be requisite or advisable for supplying water within the limits of supply.

As to pipes crossing the works of a railway or other company

15. If any difference arise between the Undertakers and any railway canal or other company whose lands or works the Undertakers have power to cross under the authority of this Order for the purposes of meeting the demands for 30 water within the limits of supply as to the mode of laying down repairing altering or enlarging their conduits or pipes or the facilities to be afforded for the same such difference shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

Supply.

35

Limit of pressure.

16. The water supplied by the Undertakers need not at any time be delivered at a height greater than can be reached by gravitation from the works authorised by this Order being not less than seventy feet above the Ordnance Datum nor need the water supplied by the Undertakers be constantly laid on under pressure Provided that the Board of Trade may at any time after the commencement of this Order by order in writing to be served upon the Undertakers require the Undertakers to have the water supplied by them constantly laid on under pressure and the Undertakers shall thereupon within 40 three months after the service of such order cause the water supplied by them to be constantly laid on under pressure and shall in all respects comply with 45 the requirements of such order.

17. The Undertakers shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Order to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at rates not exceeding the rates herein-after specified (that is to say):—

A.D. 1895.

*South
Hayling.*Rates for
supply for
domestic
purposes.

Where the rateable value of the premises so supplied with water shall not amount to six pounds at a rate not exceeding eight shillings and eightpence per annum;

10 Where such rateable value shall amount to or exceed six pounds at a rate not exceeding eight pounds per centum per annum and so in proportion for any shorter period.

15 Provided that the Undertakers shall not be compellable to afford a supply of water for domestic purposes for any less period than six months nor in any case for a less sum than five shillings in any one year for a dwelling-house or part of a dwelling-house.

Provided further that the rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the half-year in which the water rate accrues or if there is none then by the last rate made for the relief of the poor.

20 Provided also that where the water rate is chargeable on the rateable value of a part only of any tenement entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be determined by two justices.

25 18. In addition to the foregoing charges the Undertakers may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises within the limits of supply a sum not exceeding five shillings per annum and for every fixed bath an additional sum not exceeding ten shillings per annum such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as the water rate

30 Provided always that for baths containing as usually filled for use a greater quantity of water than fifty gallons the Undertakers may charge an increased rate in proportion to the size of such baths but the Undertakers shall not be compelled to supply water for any bath so constructed as to contain when as

35 usually filled for use more than fifty gallons of water.

Rates for
waterclosets
&c.

19. For preventing waste misuse undue consumption or contamination of the water of the Undertakers the following provisions shall be in force and have effect but only within the district in which the Undertakers are bound to afford and do in fact afford or are prepared on demand to afford a constant supply The said provisions are as follows:—

Regulations for
preventing
waste &c. of
water.

(1.) The Undertakers may from time to time make regulations for the purpose of preventing the waste undue consumption or misuse or contamination of water and may by such regulations prescribe the size make nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of the pipes meters cocks ferrules valves soil-pans waterclosets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to

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*South
Hayting.*

be used and forbid any arrangements and the use of the several things before mentioned or any or either of them which may allow or tend to waste or undue consumption misuse erroneous measurement or contamination.

- (2.) No such regulations shall be of any force or effect unless and until the same shall have been submitted to and confirmed by the Local Government Board who are hereby empowered to confirm the same. 5
- (3.) No such regulations shall be confirmed until after the expiration of one month after notice in writing to submit the same for confirmation together with a copy of the proposed regulations shall have been given by or on behalf of the Undertakers to the local authorities within the limits of 10 supply who may within the said period of one month make such representations to the Local Government Board as they see fit.
- (4.) A copy of all such regulations in force for the time being shall be kept at the office of the Undertakers and all persons may at all reasonable times inspect such copy without payment and the Undertakers shall cause to be 15 delivered a printed copy of all regulations for the time being in force to every person applying for the same on payment of a sum not exceeding twopence for each copy.
- (5.) A printed copy of any such regulations dated and purporting to have been made as aforesaid and to be sealed with the seal of the Undertakers 20 and to have been confirmed by the Local Government Board shall be evidence until the contrary be proved in all legal proceedings of the due making confirmation publication and existence of such regulations without further or other proof.
- (6.) In case of failure of any person to observe such regulations as are for 25 the time being in force the Undertakers may if they think fit after twenty-four hours notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil-pan watercloset or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by 30 such person and not being in accordance with the requirements of such regulations and the expense of every such repair replacement or alteration shall be repaid to the Undertakers by the person on whose credit the water is supplied and may be recovered by them as water rates are recoverable.
- (7.) Any person who shall offend against any such regulations shall (without 35 prejudice to any other right or remedy for the protection of the Undertakers or punishment of the offender) be liable to a penalty not exceeding five pounds for each offence and to a further daily penalty not exceeding forty shillings for each day or part of a day whereon such offence shall 40 occur after conviction thereof and the Undertakers may in addition thereto recover the amount of any damages sustained by them.

Water supplied
by agreement.

20. The Undertakers may from time to time by agreement supply any local rural or urban authority or company authorised to supply water without the limits of supply with water in bulk for such remuneration and upon such 45 terms and conditions as may from time to time be agreed upon between the Undertakers and such authority or company but notwithstanding any such

agreement no such authority or company shall be entitled to a supply under such agreement whenever and so long as the Undertakers are of opinion that the same would interfere with the proper supply of water for domestic purposes under the provisions of this Order and every such agreement shall be by virtue of this Order determinable by the Undertakers on one month's notice in writing Provided always that nothing in this section contained shall be construed as conferring any powers on the Undertakers in relation to the laying down or placing of any pipe or conduit or the breaking up of any road or street or the execution of any work beyond the limits of supply or as empowering the Undertakers to supply water in any district beyond the limits of supply within the meaning of section 52 of the Public Health Act 1875 or any similar provision.

A.D. 1895.

*South
Hayling.*

21. The Undertakers may if they think fit enter into agreements for the supply of water by measure to any person within the limits of supply and may charge a rent for each meter or other instrument for measuring water provided by them at a rate per annum not exceeding fifteen per centum of the cost of such meter or other instrument such rent to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Supply of
water by
measure.

22. The Undertakers shall at all times at their own expense keep all meters or other instruments for measuring water let by them for hire to any person in proper order for correctly registering the supply of water and in default of their so doing such person shall not be liable to pay rent for the same during such time as such default continues The Undertakers shall for the purposes aforesaid have access to and be at liberty to remove test inspect and replace any such meter or other instrument at all reasonable times.

Undertakers
to keep meters
&c. in repair.

23. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be *prima facie* evidence of the quantity of water consumed and in respect of which any water rate is charged and sought to be recovered by the Undertakers Provided always that if the Undertakers and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

Register of
meters &c. to
be evidence.

24. Section 44 of the Waterworks Clauses Act 1847 shall for the purposes of this Order have effect as if the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" were omitted therefrom Provided always that any rent paid by an occupier in pursuance of the provisions of the said section may be deducted by such occupier from any rent from time to time due by him to such owner.

Amendment of
10 & 11 Vict.
c. 17. s. 44.

25. When several houses or parts of houses in the occupation of several persons are supplied by one common pipe the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from

Where several
houses sup-
plied by one
pipe each to
pay.

A.D. 1895. the waterworks of the Undertakers by a distinct pipe Provided always that the Undertakers shall not be compelled to supply water to the occupier of any part of a dwelling-house unless the water rate is paid for the whole of such dwelling-house and premises.

*South
Hayling.*

Supply of
water to
tenements in
a row.

26. Where there are several tenements in a row no tenant or occupier of any one of the tenements nor any person on his behalf shall take or use the water laid on by the Undertakers to any other of such tenements unless such tenant or occupier be in respect of the tenement so occupied by him rated under this Order for a supply of water. 5

Penalties.

10

Injuring
meters &c.

27. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Undertakers or fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Undertakers shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds and the Undertakers may in addition thereto recover the amount of any damage by them sustained The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Undertakers when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be *prima facie* evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings. 25

Misuser where
supply to
several houses
is by a pipe
common to all.

28. Any tenant or occupier of one or part of one of several houses or tenements supplied by a common pipe who takes or uses the water laid on by the Undertakers to any other such house or tenement or allows the same to be taken or used contrary to the provisions of this Order shall for every such offence be liable to a penalty not exceeding five pounds. 30

Miscellaneous.

Incoming
tenant not
liable to pay
arrears

29. In case any consumer of water supplied by the Undertakers leaves the premises where such water has been supplied to him without paying to them the water rate or meter rent due from him the Undertakers shall not be entitled to require from the next tenant of such premises the payment of the arrear left unpaid by the former tenant unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears. 35

Several sums
in one sum-
mons.

30. Any summons or warrant issued for any of the purposes of this Order may contain in the body thereof or in the schedule thereto several sums. 40

Warrant of
distress to
include costs.

31. Any justice who issues a warrant of distress in pursuance of the provisions of this Order may order that the costs of the proceedings for the recovery of the

money to be levied shall be paid by the person liable to pay such money and such costs shall be ascertained by such justice and shall be included in the warrant of distress for the recovery of such money.

A.D. 1895.

*South
Hayling.*

32. No justice or judge of any county or quarter sessions shall be disqualified
5 from acting in the execution of this Order by reason of his being liable to the payment of any water rate or other charge under this Order.

Liability to
water rate not
to disqualify
justices from
acting.

33. At any time after the commencement of this Order the Undertakers
may sell and transfer their undertaking or any part thereof to any local
authority whose district or part of whose district may be within the limits of
10 supply of the Undertakers and any such local authority may with the sanction
of the Local Government Board purchase the same for such price and upon
such terms and conditions as may be agreed upon and from and after such sale
of the Undertaking to any such local authority as aforesaid all the property
real and personal and all rights powers and privileges authorities duties
15 obligations and liabilities of the Undertakers in respect of the undertaking (or
the part thereof so sold and transferred) held enjoyed exerciseable or to be
performed by the Undertakers at the time of such sale other than and except
powers relating to share and loan capital and of general meetings and directors
or otherwise relating to the constitution or management of the Undertakers
20 Company shall subject to all the liabilities then affecting the same be trans-
ferred to and vested in and may and shall be enjoyed and exercised and
performed by the local authority purchasing the same as though the same had
been acquired by and conferred upon the said local authority instead of the
Undertakers.

Power to
Undertakers
to sell under-
taking to local
authority.

- 25 34. Section 140 of the Companies Clauses Consolidation Act 1845 shall be
and is hereby incorporated with this Order Provided that for the purpose of
such incorporation the expression "the Company" in the said section shall be
construed to mean the Undertakers.

8 Vict. c. 16
s. 140. incor-
porated

35. All the costs charges and expenses of and incidental to the applying for
30 preparing obtaining and confirming this Order and otherwise in relation thereto
shall be paid by the Undertakers.

Costs of Order.

Water Orders Confirmation. [H.L.]

A

B I L L

INTITLED

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Holyhead Water, Mid Kent Water, and South Hayling Water.

(*Brought from the Lords 21 June 1895.*)

*Ordered, by The House of Commons, to be Printed,
21 June 1895.*

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HODGKINS, FICHTS, & CO., LIMITED, 104, Grafton Street, Dublin.

[*Price 2d.*]

[Bill 320.]

A

B I L L

FOR

Authorising the Treasury to guarantee the Interest on
 certain Capital of the West Highland Railway Company,
 and pay a Sum of Money to that Company.

A.D. 1895.

WHEREAS by the West Highland Railway Act, 1894, the
 West Highland Railway Company were authorised to con-
 struct an extension of their railway from Banavie to Mallaig (in
 this Act called the railway), with a pier and other works in con-
 5 nexion therewith, and to raise the necessary capital for that purpose,
 and by section fifty-two of the Act certain provisions were to take
 effect in the event of the Treasury being authorised to guarantee
 and guaranteeing, for a period of thirty years from the date of
 the opening for passenger traffic of the railway, the payment of
 10 interest or dividend at the rate of three pounds per centum per
 annum on two hundred and sixty thousand pounds of the share and
 loan capital to be raised under the Act, and granting a sum of
 thirty thousand pounds towards the cost of constructing the pier,
 breakwater, and other works by the Act authorised, and it is
 15 expedient that the Treasury be authorised to give such guarantee
 and make such grant :

Be it therefore enacted by the Queen's most Excellent Majesty,
 by and with the advice and consent of the Lords Spiritual and
 Temporal, and Commons, in this present Parliament assembled,
 20 and by the authority of the same, as follows :

1. The Treasury may, on such terms as they think fit, guarantee
 for a period of *thirty years* from the date of the opening for
 passenger traffic of the railway, the payment of interest or dividend
 at the rate of *three pounds* per centum per annum on *two hundred*
 25 *and sixty thousand pounds* of the share and loan capital to be
 raised under the West Highland Railway Act, 1894, and may on
 the completion of the said pier, breakwater, and other works, pay to
 the company the said sum of *thirty thousand pounds*, and the sums
 required for the purposes of this section shall be paid out of moneys

Power for
 Treasury to
 guarantee
 interest on
 certain
 capital of
 West
 Highland
 Railway
 Company,
 &c.

[Bill 4.]

A.D. 1895. — provided by Parliament, and if those moneys are insufficient shall be charged on and paid out of the Consolidated Fund or the growing produce thereof.

Short title. **2.** This Act may be cited as the West Highland Railway Guarantee Act, 1895: Session 2.

West Highland Railway Guarantee.

A

B I L L

For authorising the Treasury to guarantee
the Interest on certain Capital of the
West Highland Railway Company,
and pay a Sum of Money to that
Company.

(*Prepared and brought in by*
Mr. Chancellor of the Exchequer and
Mr. Hanbury.)

Ordered, by The House of Commons, to be Printed,
28 August 1895.

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90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., Limited, 104, Grafton Street, Dublin.

[*Price ½d.*]

[Bill 4.]

A
B I L L

INTITULED

An Act to amend the Wild Birds Protection Acts.

A.D. 1895.

[NOTE.—*The words enclosed in brackets and underlined are
proposed to be inserted in Committee.*]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 **1.** From and after the passing of this Act the powers exerciseable by the Secretary of State on application under section eight of the Wild Birds Protection Act, 1880, shall extend to the making of an order prohibiting, for special reasons mentioned in the order, the taking or killing of particular kinds of wild birds during the whole
10 or any part of that period of the year to which the protection of wild birds under that Act does not extend, or the taking or killing of all wild birds in particular places during the whole or any part of that period. Extension
of powers
under
43 & 44 Vict.
c. 35.
- 15 **2.** Public notice of any order made under this Act shall be given in the manner required by the Wild Birds Protection Act, 1894, with respect to orders made under that Act. Publication
of orders.
57 & 58 Vict.
c. 4.
- 3.** In section three of the Wild Birds Protection Act, 1880, the words "for a first offence be reprimanded and discharged on pay-
ment of costs and for every subsequent offence" shall be repealed. Partial re-
peal of
43 & 44 Vict.
c. 35. s. 3.
- 20 **4.** The powers exerciseable under the Wild Birds Protection Act, 1894, by the county council of an administrative county are hereby declared to be exerciseable by the council of a county borough, [and any expenses incurred by the council of a county
borough under that Act may be defrayed out of the borough fund
25 or borough rate.] Explanation
of 57 & 58
Vict. c. 24.
- 5.** This Act may be cited as the Wild Birds Protection Act, 1895, and the Wild Birds Protection Act, 1880, the Wild Birds Protection Act, 1881, the Wild Birds Protection Act, 1894, and this Act may be cited collectively as the Wild Birds Protection Acts,
30 1880 to 1895. Short title.

[Bill 305.]

Wild Birds Protection Acts Amendment. [H.L.]

A

BILL

INTRODUCED

An Act to amend the Wild Birds
Protection Acts.

(*Brought from the Lords 30 May 1895.*)

*Ordered, by The House of Commons, to be Printed,
10 June 1895.*

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and 90, West Nile Street, Glasgow; or
HODGERS, FIGGIS, & Co., Limited, 104, Grafton Street, Dublin.

[*Price 3d.*]

[Bill 305.]

Wine and Beerhouse Acts Amendment Bill.

MEMORANDUM.

The object of this Bill is to give to the licensing justices the same discretion in dealing with beerhouses and ciderhouses that they now possess in regard to fully-licensed publichouses and other places of refreshment.

As the law now stands the discretion of the magistrates in regard to this class of licensed houses is very limited. The justices cannot refuse to renew the licence of a beerhouse which has been in existence since 1869, except upon one or other of the following grounds, viz. :—(1) The character of the applicant; (2) Disorderly conduct of the house; (3) Previous bad conduct of the applicant; (4) Want of qualification on the part of the applicant or his premises.

The discretion which it is sought by the Bill to give to the justices the latter already possess as regards fully-licensed publichouses, and as regards, also, beerhouses themselves, if licensed for the first time since 1869. It has also been accorded to them by recent Acts of Parliament (The Beer Dealers Retail Licences Acts, 1880 and 1882) as regards other minor kinds of licences, but the old beerhouses have been left in an anomalous position.

It is this anomaly which the Bill is designed to rectify.

A

B I L L

TO

Amend the Law relating to the Licensing of Beerhouses and Places for the Sale of Cider and Wine by Retail in England and Wales. A.D. 1895.

WHEREAS by the Wine and Beerhouse Act, 1869, and the Wine and Beerhouse Act Amendment Act, 1870, it is provided that it shall not be lawful for the licensing justices to refuse an application for a certificate for the sale of beer, cider, or
 5 wine, to be consumed on the premises in respect of premises for which a licence was in force on the first of May, one thousand eight hundred and sixty-nine, and has been continuously granted by way of renewal ever since, except upon one or more of the grounds specified in the first-mentioned of the said Acts :

10 And whereas it is expedient that the justices should be at liberty to exercise their discretion respecting the grant of such certificates as fully as they are in respect of the granting of licences to keepers of inns, alehouses, and victualling houses :

Be it therefore enacted by the Queen's most Excellent Majesty,
 15 by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as the Wine and Beerhouse Act, 1895, and shall not extend to Scotland or Ireland, and words
 20 therein shall have the same meaning as in the Licensing Act, 1872. Short title;
extent; in-
terpretation.

2. Section nineteen of the Wine and Beerhouse Act, 1869, and section seven of the Wine and Beerhouse Act Amendment Act, 1870, are hereby repealed, and notwithstanding anything in the
 25 said Acts, or in any other Act now in force, the licensing justices shall be at liberty, in their free and unqualified discretion, either to Justices to
have dis-
cretion in
licensing in
respect to
premises
licensed on

[Bill 106.]

A

A.D. 1895. refuse a certificate for any licence for sale of beer, cider, or wine
by retail, to be consumed on the premises, on any grounds appearing
to them sufficient, or to grant the same to such person as they,
in the execution of their statutory powers, and in the exercise of
their discretion, deem fit and proper.

1st May 1869
and con-
tinuously
licensed
ever since.

Wine and Beerhouse Acts Amendment.

A

B I L L

To amend the Law relating to the
Licensing of Beerhouses and Places
for the Sale of Cider and Wine, by
Retail in England and Wales.

(*Prepared and brought in by*
Mr. Herbert Lewis, Mr. Courtney,
Mr. Croftfield, and Mr. Squire.)

Ordered, by The House of Commons, to be Printed,
13 February 1895.

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90, West Nile Street, Glasgow; or
HODGKINS, FRIGGS, & Co., Limited, 104, Grafton Street, Dublin.

[*Price 1d.*]

[Bill 106.]

A
B I L L

TO

Extend the Parliamentary and certain Local Franchises
to Women.

A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

- 5** 1. This Act may be cited as the Parliamentary and Local Franchise (Women) Act, 1895. Short title.
2. Every woman who—
- (1) in England is registered or entitled to be registered as a parochial elector; or
- 10** (2) in Scotland is registered or entitled to be registered as a parish elector; or
- (3) in Ireland is a ratepayer, entitled to vote at an election for guardians of the poor, or who, by this or any other Act, may be enrolled or entitled to be enrolled on any burgess
- 15** roll;
- shall be entitled to be registered as a parliamentary elector, and, when registered, to vote at any parliamentary election for the county, borough, or division wherein the qualifying property is situate.
- 20** 3. No person shall be disqualified from voting at a parliamentary election for a university by reason of sex or marriage. Election for University.
4. No person shall be disqualified by marriage from being registered on any local government register, and, when registered, from voting at any election for a local governing body. Marriage not to disqualify for local government register.
- 25** 5. In all Acts relating to the municipal franchise in Ireland, wherever words occur which impart the masculine gender, the same
- [Bill 122.] Provision as to municipal franchise in Ireland.

A.D. 1895. shall nevertheless be held, and the word "person" shall be held, to include females, whether married or not, for all purposes connected with and having reference to the right to be enrolled, to vote as burgesses, and to vote at the election of any member or members of a local authority.

Women's Parliamentary and Local Franchise.

A

B I L L

To extend the Parliamentary and certain
Local Franchises to Women.

(*Prepared and brought in by*
Mr. Walter McLaren, Mr. Courtney,
Sir Wilfred Lawson, Mr. Justin McCarthy,
Viscount Wolmer, Mr. William Johnston, and
Mr. Carrell Williams.)

Ordered, by The House of Commons, to be Printed,
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60, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price 5d.*]

[Bill 122.]

A

B I L L

TO

Give Facilities for the acquisition by Working Men of their own Dwellings. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 **1.**—(1.) Any local authority may, if they think fit, make advances under the provisions of this Act to any workman to whom this Act applies for the purchase by such workman of the freehold or leasehold interest in the dwelling-house in which he resides or intends to reside. Advances by local authority to workmen for purchase of dwelling-house.
- 10 (2.) Before a local authority makes any such advance, they must be satisfied—
- (a) that the workman actually resides, or *bonâ fide* intends to reside in the dwelling-house, in respect of which the advance is applied for ;
- 15 (b) that the title to the dwelling-house is good, that the sale is made in good faith, and that the price is reasonable ; and
- (c) that the dwelling-house is in a sanitary and tenantable condition.
- 20 **2.** Advances by a local authority under this Act shall be subject to the following restrictions :— Restrictions on advances.
- (a.) The local authority shall not make any advance where the present value of all outstanding advances made by them under this Act exceeds *one-eighth* of the rateable value of the district according to the valuation lists for the time being in force, or if there is no such list, according to the last
- 25 poor rate.
- (b.) The local authority shall not advance more than *one hundred and fifty pounds* to any one workman, nor any sum to one workman in respect of more dwelling-houses than one.

[Bill 58.]

A

A.D. 1895.

(c.) The local authority shall not make any advance in the case of a leasehold interest where the unexpired term is less than *seventy years*.

Regulations
as to purchase and
advance.

3.—(1.) Every purchaser shall within such time, not less than *one month* after the purchase, as is fixed by rules under this Act, 5
complete the purchase.

(2.) On such completion he shall pay not less than *one fourth* of the purchase money, and the local authority shall pay, by way of advance, (a) not more than *three-fourths* of the purchase money, and (b) the cost of the transfer; so, however, that the whole of the 10
moneys advanced by the local authority do not exceed *one hundred and fifty pounds*. The costs of the transfer shall be payable according to the prescribed scale, and shall include costs of investigation of title, registration, and other necessary legal expenses.

(3.) The advance made by the local authority shall be secured 15
by a charge on the dwelling-house in favour of the local authority, and shall be repaid by a terminable annuity with such interest at such intervals, and within such term not exceeding *thirty years* from the date of the advance, as may be agreed upon with the local authority. 20

(4.) Every such annuity, or any portion of it, at any time outstanding, may be redeemed in whole or in part by the person liable to pay such annuity, by payment to the local authority, after not less than *three months* notice in writing, of a sum equivalent to the then value of such annuity, or of such portion of it as is 25
sought to be redeemed, such value to be calculated in accordance with tables fixed by the local authority.

Conditions
affecting
houses
subject to
charge for
advances.

4. (1.)—Every dwelling-house purchased by a workman under this Act, shall, so long as any part of the advance remains unpaid, be held subject to the following conditions:— 30

(a.) That any periodical payments due in respect of the advance shall be duly paid.

(b.) That the dwelling-house shall be kept insured against fire, to the satisfaction of the local authority.

(c.) That the dwelling-house shall not, except in accor- 35
dance with rules under this Act, be sold, assigned, let, or sub-let.

(d.) That the dwelling-house shall comply with such require-
ments as the local authority may impose for securing healthi-
ness and freedom from overcrowding. 40

(e.) That the dwelling-house shall not be used for the sale of intoxicating liquors, or for any purpose other than that of

a dwelling-house. Provided that for the purposes of this enactment, a house in which a workman both dwells and carries on his trade or employment shall be deemed to be a dwelling-house.

5 (2.) If any such condition is broken, the local authority may, after giving the owner an opportunity of remedying the breach, if it is capable of remedy, cause the dwelling-house to be sold.

(3.) If, on the decease of the owner, while the dwelling-house is subject to the conditions imposed by this section, the dwelling-house
10 would, by reason of any devise, bequest, intestacy or otherwise, become sub-divided, the local authority may in their discretion require the dwelling-house to be sold in accordance with rules under this Act within *twelve months* after such decease to some one person, and if default is made in so selling the dwelling-
15 house, the local authority may cause the dwelling-house to be sold.

(4.) The local authority may, under the powers of this section, cause any dwelling-house to be sold by public auction or private contract, and, subject to any provisions of this Act, under any conditions of sale they may think expedient, and after such notice
20 of the time, place, terms and conditions of such sale as seem to them just and expedient.

(5.) Any sale by the local authority under this section, may be made either subject to the charge in respect of purchase money, or free wholly or partly from such charge, provided that—

25 (a.) in the case of sale by private contract, the offer of any workman to whom this Act applies, provided that he be willing to take the dwelling-house on the same terms as those agreed upon with the person to whom the advance was made in the first instance, shall be preferred to the offer of any
30 person to whom this Act does not apply, and, in such case, the provisions of this Act with respect to advances by local authority shall apply in like manner as if the sale were the first sale of a dwelling-house under this Act;

(b.) no sale, subject wholly or partly to the charge, shall be
35 made to any person to whom this Act does not apply.

(6.) The local authority shall apply the proceeds derived from a sale under this section in discharge of any unpaid purchase money for the dwelling-house, or in redemption of any terminable annuity charged on the said dwelling-house, or of so much thereof
40 as remains unpaid, which is not to continue a charge on the dwelling-house, and in payment of all expenses incurred by them in relation to such sale, and, subject as aforesaid, shall pay them

A.D. 1895. — to the person appearing to the local authority to be entitled to receive the same.

Provided that any part of the amount advanced by the local authority, which shall be outstanding after the proceeds of the sale shall have been applied as aforesaid, shall be deemed to be a debt 5 due to the local authority by the person to whom the advance was made, and shall be recoverable accordingly.

List and
plan to be
kept by local
authority.

5. Every local authority by whom advances are made under this Act shall keep a list of the owners and occupiers of dwelling-houses in respect of which any advances made by them are outstanding and 10 a map or plan showing the situation of each such dwelling-house.

Supplementary.

Borrowing
powers of
local autho-
rity.

6.—(1.) The London County Council may borrow for the purposes of this Act in accordance with the London County Council Money Acts for the time being in force, and any other local autho- 15 rity may so borrow in accordance with the Public Health Act, 1875, except that the money so borrowed shall, notwithstanding anything in that Act, be repaid within such period not exceeding *thirty-five years* as the local authority, with the consent of the Local Government Board, determine in each case, and that in determining the 20 amount which may be borrowed for the purposes of this Act, any outstanding loans of the local authority under the Sanitary Acts or the Public Health Act, 1875, shall not be taken into account.

(2.) The Public Works Loan Commissioners may in manner provided by the Public Works Loans Act, 1875, lend any money 25 which may be borrowed by a local authority for the purposes of this Act.

(3.) Every loan by the Public Works Commissioners in pursuance of this Act shall bear such rate of interest not less than *three pounds two shillings and sixpence* per centum per annum as the Treasury 30 may authorise as being in their opinion sufficient to enable such loans to be made without loss to the Exchequer.

(4.) Any capital money received by a local authority in repayment of an advance made by them shall be applied in repayment of the principal of any loan raised for the purposes of this Act, or be 35 paid into a sinking fund for that purpose, or be applied with the sanction of the Local Government Board either in repayment of any other debt or for any other purpose for which capital money may be applied.

(5.) The expenses incurred under this Act shall, in the case of an 40 urban sanitary authority, be defrayed out of the fund or rate applicable to their general expenses under the Public Health Acts, and,

A.D. 1895.

in the case of a rural sanitary authority, be defrayed as special expenses incurred in the execution of the said Acts; and any money borrowed by a sanitary authority under this Act shall be borrowed on the security of the fund or rate out of which their expenses under this Act are payable. Separate accounts shall be kept by every local authority of their receipts and expenditure under this Act, and such accounts shall be audited by the same person, at the same time, in the same manner, and with the same incidents and consequences as the accounts of the other receipts and expenditure of the local authority.

7. The Local Government Board may make rules for carrying this Act into effect, and in particular may make provision—

Rules.

- (a.) as to the manner of applying for and making advances under this Act;
- (b.) for the payment by the local authority, on behalf of the workman to the vendor or other person entitled thereto, of the moneys advanced by the local authority;
- (c.) for the custody of the title deeds of the land or dwelling-house, so long as any part of the advance and interest thereon remains unpaid;
- (d.) as to the terms and conditions of sale by the local authority;
- (e.) for the settlement of disputes by arbitration; and
- (f.) for prescribing such other matters as are directed to be prescribed, or are necessary for carrying into effect the purposes of this Act.

8. For the purposes of this Act, the expression "local authority" means in London the London County Council, and elsewhere the urban or rural sanitary authority, as the case may be, within the meaning of the Public Health Acts, and the expression "district" in relation to a rural sanitary authority, means the contributory place in which the dwelling-house is situate in respect of which an advance is proposed to be made.

Interpretation.

The expression "workman" means any mechanic, artisan, labourer, or other person working for wages, or any person not working for wages, but working at some trade or handicraft, whose income does not exceed an average of *three pounds* a week, and includes any clerk, or shop or warehouse assistant whose income does not exceed the rate of one hundred and fifty pounds per annum.

9.—(1.) This Act shall come into operation on the *first day of January one thousand eight hundred and ninety-six*.

Commencement, extent, and short title.

(2.) This Act shall not extend to Scotland or Ireland.

(3.) This Act may be cited as the Workmen's Dwellings Acquisition Act, 1895.

Working Men's Dwellings.

A

B I L L

To give Facilities for the acquisition
by Working Men of their own
Dwellings.

(Prepared and brought in by
Mr. Wriggleson and Sir Alfred Hickman.)

*Ordered, by The House of Commons, to be Printed,
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[*Price 1d.*]

[Bill 58.]

A

B I L L

TO

Provide Compensation to Workmen or their representatives in cases of Accidents arising in the course of their Employment. A.D. 1895.

WHEREAS it is expedient to make further and better provision for the payment of compensation by employers for injuries caused by accident to workmen in their service :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. Where after the commencement of this Act personal injury is caused to any workman while engaged in the execution of the work of his employer within the scope of his employment, the workman, or, in case the injury results in death, his legal personal representatives, shall be entitled to receive compensation from the employer subject and according to the provisions of this Act, unless the accident was caused by the wilful act or wilful default of the workman himself. Right of workmen to compensation.

2.—(1.) The amount of compensation payable under this Act shall, in cases of death or permanent total disablement, be the sum found to be equivalent to the wages of the workman during the three years preceding the injury, or the sum of *one hundred and fifty pounds*, whichever of such sums shall be the larger. Amount of compensation.

(2.) The amount of compensation payable under this Act in cases of permanent partial disablement shall, in default of agreement between the parties, be settled by the judge of the county court, but shall not exceed *one half* of the amount which would have been payable in the case of death or permanent total disablement.

[Bill 22.]

A

A.D. 1895.

(3.) In cases of temporary disablement the compensation shall be a weekly allowance of such amount, not exceeding *two-thirds* of the workman's wages, and of such duration as shall in default of agreement between the parties be settled by the judge of the county court. Provided that the allowance shall cease if a legally 5 qualified medical practitioner appointed by the judge of the county court certifies that the workman is able to return to his work, or if the workman declines to be examined by such medical practitioner.

It shall be the duty of the judge of the county court to appoint 10 a legally qualified medical practitioner for the purposes of this sub-section on the application of the employer, and his fee shall be paid by the employer.

Evidence of agreement as to amount.

3. An agreement as to the amount of compensation under this Act must be in writing, signed by the parties thereto, but is not 15 chargeable with any stamp duty.

Rules as to payment.

4. The payment of compensation shall be subject to the rules contained in the schedule to this Act.

Jurisdiction of county court to settle compensation.

5. If liability to pay compensation under this Act is disputed, or if the amount of compensation is not settled by agreement, the 20 workman may take proceedings to enforce his claim by action in the county court of the district in which the injury occurred or in which he resides.

The judge of the county court may if he thinks fit appoint a legally qualified medical practitioner to examine the claimant or 25 otherwise assist him, and the fee of such medical practitioner (not exceeding *two guineas*) shall be dealt with as part of the costs of the case as the judge may think just.

In the application of this Act to Scotland the expression "county court" shall mean the "sheriff court" and the expression "judge 30 of the county court" shall mean "the sheriff."

Priority of payment in bankruptcy.

6. Any sum payable as compensation to a workman shall, in the event of the bankruptcy of the employer or of the winding up of a company which is the employer, be paid in priority to all other debts *pari passu* with rates and wages in accordance with the 35 provisions of the Preferential Payments in Bankruptcy Act, 1888.

51 & 52 Vict. c. 62.

Compensation not assignable.

7. Any sum or allowance payable as compensation to a workman under this Act shall not be assignable or chargeable with any debt or liability of the workman.

8. If a workman or his legal personal representatives at any time after the occurrence of the injury, and before assenting, whether by words, writing, or conduct, to submit the settlement of compensation to the judge of a county court under this Act, shall give written
 5 notice to his employer to the effect that he does not claim compensation under this Act, he or they shall be at liberty to pursue and enforce any remedy or right which he or they may be entitled to pursue and enforce independently of this Act.

A.D. 1895.

 Option of workman to pursue common law remedy.

But if, after assenting to submit the settlement of compensation to
 10 the judge of a county court under this Act, a workman or his legal personal representatives shall commence any action or other proceeding in any court against the employer in respect of any matter which is the subject of such arbitration, the court in which the action or other proceeding is brought or a judge thereof may, on the
 15 application of the employer, after appearance and before pleadings or taking any other steps in the proceedings, on being satisfied of such assent as aforesaid, make an order staying all proceedings on such terms as to costs and otherwise as the court or judge may deem fit.

20 9. No contract of service whereby the amount of compensation payable under this Act by an employer to a workman or his representatives in case of accident would be reduced shall, if made before the accrual of the right, constitute a defence to any action brought for the recovery of such compensation.

Provision against contracting-out before-hand.

25 10.--(1.) This Act shall not apply to persons in the royal or military service of the Crown, but subject as aforesaid shall apply to a workman in the employment of the Crown in like manner as to workmen in the employment of private persons.

Application to Crown servants.

(2.) Where an action is brought under this section in respect of
 30 an injury to a workman—

(a.) The action may be brought against the Secretary to the Treasury by his official name, and shall not abate by reason of his ceasing to hold office; and

(b) *Any compensation awarded shall be paid out of moneys*
 35 *provided by Parliament*; and

(c.) Any gratuity or allowance which has been or will be paid
 40 out of public money in respect of the injury, or by reason of the workman being incapacitated for service by the injury, shall for the purposes of this Act be treated as a payment on account of the employer's liability.

[See 50 & 51 Vict. c. 67. s. 1.]

(3.) The Treasury may, by warrant laid before Parliament, modify for the purposes of this Act the warrant made under section

50 & 51 Vict. c. 67.

A.D. 1895. one of the Superannuation Act, 1887, in its application to workmen to whom this section applies.

Definitions.

11. In and for the purposes of this Act—

The expression “employer” includes a company and any other body of persons whether corporate or non-corporate : 5

The expression “workman” includes—

(a.) Every person who (being a labourer, servant in husbandry, journeyman, artificer, handicraftsman, or miner, or otherwise engaged in manual labour) has entered into, or works under a contract of service or apprenticeship with an employer, whether the contract is express or implied, is oral or in writing, and is a contract of service, or a contract personally to execute any work ; 10

(b.) Every railway servant ;

(c.) Every person employed in or about a public conveyance by land, or in or about a vessel engaged in inland navigation ; 15

(d.) Every person serving on board a British ship otherwise than in the capacity of master, officer, engineer, purser, or chief steward ; 20

(e.) Every person employed as a domestic or menial servant :

The expression “total disablement” means loss of sight or of both legs, or of both arms, and any other injury of such a nature as to permanently disable the workman from earning wages at the kind of work on which he was employed : 25

The expression “partial disablement” means loss of one eye, or of one leg, or arm, or hand, and any other injury of such a nature as to permanently disable the workman from earning full wages at the kind of work on which he was employed :

The expression “temporary disablement” means any injury of such a nature as to temporarily disable for a period of not less than *fourteen days*, the workman from earning wages, or from earning full wages at the work on which he was employed. 30

Repeal.

12. The Employers Liability Act, 1880, is hereby repealed as from the commencement of this Act. 35

Commencement of Act.

13. This Act shall come into operation on the *first day of July one thousand eight hundred and ninety-six*.

Short title.

14. This Act may be cited as the Compensation to Workmen (Accidents) Act, 1895.

SCHEDULE.

A.D. 1895.

RULES AS TO PAYMENT OF COMPENSATION.

1. Where compensation is payable in respect of an injury resulting in death, the employer shall (notwithstanding anything in the Savings Bank Acts) within seven days after the amount is settled pay the amount into a Post Office Savings Bank to an account to be entitled "The personal representatives of [*name of deceased workman*], deceased," and on complying with this rule all liability of the employer under this Act in respect of that injury shall cease.
- 10 The amount so paid in shall be payable to or the order of the legal personal representatives of the deceased, and shall be dealt with by them in accordance with any testamentary disposition of the deceased, or in default of such disposition then as the law relating to the estates of persons dying intestate directs.
- 15 2. Where compensation is payable in respect of an injury resulting in total or partial disablement, the workman may elect within seven days after the amount is settled to be paid either in a lump sum or by such number of weekly instalments not exceeding fifty-two as he may specify by written notice to his employer; if he makes no election within the seven days, the amount shall be payable in a lump sum.
- 20 3. Where compensation is payable in respect of an injury resulting in temporary disablement a weekly allowance of two thirds of the workman's wages shall be paid to him for the period, not exceeding in any case eighteen months, during which he shall be unable to resume work.
- 25 4. For the purposes of this Act the wages of the workman shall be ascertained as follows :—
 - (i.) When the workman was employed at weekly or monthly wages the wages and other emoluments (if any) of which he is in receipt at the time of the happening of the injury shall be deemed his wages.
 - 30 (ii.) When the workman was employed on piece-work his average continuous earnings and other emoluments (if any) for the period of six months immediately preceding the happening of the injury shall be deemed his wages.

Workmen's Accidents (Compensation).

A

B I L L

To provide Compensation to Workmen
or their representatives in cases of
Accidents arising in the course of
their Employment.

*(Prepared and brought in by
Mr. Forwood, Mr. Matthews, Mr. Chamberlain,
Sir Edward Hill, Mr. Elliott Lees, and
Mr. Tomlinson.)*

*Ordered, by The House of Commons, to be Printed,
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99, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., LIMITED, 194, Grafton Street, Dublin.

[*Price 1d.*]

[Bill 22.]

A

B I L L

TO

Make provision with respect to the Tenure of the Houses of Workmen in certain Employments. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

- 5 **1.** Where any person employed in a coal mine, or in the service of a railway company, occupies a house belonging to the owner of the mine or to the railway company respectively either as a tenant or in consideration of his services, the occupation shall not be terminated until after *three months* notice by either party or by
- 10 mutual consent.
- 2.** The expression "owner" has the same meaning as in the Coal Mines Regulation Act, 1887. Tenure of houses of miners and railway servants.
- 3.** This Act may be cited as the Tenure of Workmen's Houses Act, 1895. Definition.
50 & 51 Vict.
c. 58. s. 75.
Short title.

Workmen's Houses Tenure.

A

B I L L

To make provision with respect to the
Tenure of the Houses of Workmen in
certain Employments.

(*Prepared and brought in by*
Mr. Donald Crauford, Mr. John Wilson (Govan),
Mr. John Wilson (Durham), and Mr. Caldwell.)

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